

Supreme Court of the United States

OCTOBER TERM, 1968

No. 573

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

—v.—

GISEL PACKING CO., INC., et al

and

No. 691

FOOD STORE EMPLOYEES UNION, LOCAL NO. 347, AMAL-
GAMATED MEAT CUTTERS AND BUTCHER WORKMEN OF
NORTH AMERICA, AFL-CIO,

Petitioner,

—v.—

GISEL PACKING CO., INC.

ON WRITS OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FOURTH CIRCUIT

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**CHRONOLOGICAL LIST OF
RELEVANT DOCKET ENTRIES**

- 7.29.64 Charge filed in case No. 11-CA-2491
- 9.17.64 Amended charge filed in case no. 11-CA-2491
- 10.15.64 Second amended charge filed in case no. 11-CA-2491
- 10.21.64 Complaint and notice of hearing issued in 11-CA-2491
- 10.23.64 Motion to dismiss
- 10.23.64 Motion for More definite statement
- 10.28.64 General Counsel's response
- 11.12.64 Company's answer (Crown Flex)
- 11.12.64 General Steel Products, Inc. answer
- 12.11.64 Order rescheduling hearing
- 12.15.64 Amendment to complaint in Case No. 11-CA-2491
1. 7.65 Charge filed in Case No. 11-CA-2613
- 3.31.65 Complaint and Notice of hearing in Case No. 11-CA-2613
- 3.31.65 Order Consolidating cases and notice of hearing
4. 8.65 Motion for bill of particulars filed by Crown Flex
4. 8.65 Motion for bill of particulars filed by General Steel Products

Response of General Counsel

- 4.13.65 Trial Examiner's order on motions for bills of particulars, issued
- 4.20.65 Answer in case no. 11-CA-2613, filed by Crown Flex
- 4.20.65 Answer in case no. 11-CA-2513, filed by General Steel Products
- 5.24.65 Hearing opened
- 6.18.65 Hearing closed

CHRONOLOGICAL LIST OF
RELEVANT DOCKET ENTRIES—Continued

- 11.12.65 Trial Examiner's Decision issued
- 12.15.65 Companies' exceptions received
- 3.11.66 Board's decision and order issued
- 4.22.66 Board's answer and certified record filed
- 6.28.68 Opinion issued by the U. S. Court of Appeals for
the Fourth Circuit
- 6.28.68 Decree entered by the U. S. Court of Appeals for
the Fourth Circuit
- 9.26.68 Board's petition for certiorari filed
- 12.16.68 Order issued by the U. S. Supreme Court granting
the Board's petition for certiorari

157 NLRB No. 59

D-8690

High Point, N. C.

**UNITED STATES OF AMERICA BEFORE THE
NATIONAL LABOR RELATIONS BOARD**

Cases Nos. 11-CA-2491
11-CA-2613
11-RC-2022

GENERAL STEEL PRODUCTS, INC., and
CROWN FLEX OF NORTH CAROLINA, INC.

, and

UPHOLSTERERS' INTERNATIONAL UNION
OF NORTH AMERICA, AFL-CIO

DECISION AND ORDER

On November 12, 1965, Trial Examiner David London issued his Decision in the above-entitled proceeding, finding that the Respondent had engaged in and was engaging in certain unfair labor practices and recommending that it cease and desist therefrom and take certain affirmative action, as set forth in the attached Trial Examiner's Decision. The Trial Examiner further found merit in certain objections filed by the Union to the election conducted in Case No. 11-RC-2022 and recommended that the election be set aside. Thereafter, the Respondent filed exceptions to the Trial Examiner's Decision and a supporting brief.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its powers in connection with this proceeding to a three-member panel.

The Board has reviewed the rulings of the Trial Examiner made at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Trial Examiner's Decision,

the exceptions, brief, and the entire record in these cases,¹ and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner with the modifications noted below.²

ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board hereby adopts as its Order the Recommended Order of the Trial Examiner, as modified herein, and orders that General Steel Products, Inc., and Crown Flex of North Carolina, Inc., High Point, North Carolina, their officers, agents, successors, and assigns, shall take the action set forth in the Trial Examiner's Recommended Order, as so modified:

IT IS FURTHER ORDERED that the petition in Case No. 11-RC-2022 be, and it hereby is, dismissed, and all proceedings held in connection therewith be, and they hereby are, vacated.

JOHN H. FANNING, *Member*
GERALD A. BROWN, *Member*
SAM ZAGORIA, *Member*
**NATIONAL LABOR
RELATIONS BOARD**

[SEAL]

¹ Respondent's exceptions directed to the credibility resolutions of the Trial Examiner are without merit. The Board will not overrule the Trial Examiner's resolutions as to credibility, unless a clear preponderance of all relevant evidence convinces us that they are incorrect. Upon the entire record, such conclusion is not warranted herein. *Standard Dry Wall Products*, 91 NLRB 544, enfd. 188 F.2d 362 (C.A. 8).

² In adopting the Trial Examiner's finding that the Union obtained authorization cards from a majority of the Respondent's employees, we need not rely upon the cards of Billy Don Brown and Terry Roberson.

TXD-590-65
High Point, N. C.

UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
DIVISION OF TRIAL EXAMINERS
WASHINGTON, D. C.

Cases Nos. 11-CA-2491

11-CA-2613

11-RC-2022

GENERAL STEEL PRODUCTS, INC., and
CROWN FLEX OF NORTH CAROLINA, INC.

and

UPHOLSTERERS' INTERNATIONAL UNION
OF NORTH AMERICA, AFL-CIO

Before: *David London*, Trial Examiner.

TRIAL EXAMINER'S DECISION

Statement of the Case

Upon a twice amended charge in Case No. 11-CA-2491¹ filed by Upholsterers' International Union of North America, AFL-CIO, hereinafter referred to as the Union, the Board's General Counsel, on October 21, 1964, issued a complaint against General Steel Products, Inc. ("General Steel"), and Crown Flex of North Carolina ("Crown Flex"), hereafter collectively referred to as Respondent. That complaint, as amended on December 15, 1964, alleges that on specified dates between July 3 and November 6, 1964, Respondent, in violation of Section 8(a)(1) of the National Labor Relations Act, as amended ("the Act"), interrogated its employees concerning their union

¹ The original charge was filed July 29, 1964; the amendments thereto on September 16, 1964, and October 15, 1964.

activities, and threatened them with reprisals for engaging in or supporting union activities. Respondent, by separate answers, denied the commission of any alleged unfair practice.

Upon a charge filed by the Union on January 7, 1965, in Case No. 11-CA-2613, the Board's General Counsel, on March 31, 1965, issued a second complaint against Respondent, alleging that since on or about August 14, 1964, in violation of Section 8(a) (1) and (5) of the Act, Respondent has refused to bargain collectively with the Union, the duly designated representative of its employees, in an appropriate unit with respect to rates of pay, wages, and other terms and conditions of employment. By separate answers filed in this proceeding, Respondent, though admitting a refusal to bargain, denied the commission of any unfair labor practice and pleaded several specific defenses which are considered in later portions of this Decision.

On August 14, 1964,² the Union filed a petition with the Board in Case No. 11-RC-2022 seeking certification as collective-bargaining representative of the production and maintenance employees of General Steel. Following a hearing on that petition on September 10, the Board's Regional Director for the Eleventh Region, on October 6, issued his Decision and Direction of Election finding that General Steel and Crown Flex constitute a single employer for purposes of collective bargaining, and directing that an election be conducted among the employees of both corporations in an appropriate unit to determine whether they desired representation by the Union. On October 13, General Steel filed with the Board at Washington, D.C., its Request for Review of the aforementioned Regional Director's Decision and Direction of Election contending that, contrary to the finding of the Regional Director in that proceeding, the record therein does not establish that General Steel and Crown Flex constitute "a single employer for purposes of the Act." On October 28, the Board issued its Order denying the aforesaid Request on the

² Unless otherwise noted all references to dates herein are to the year 1964.

ground that "it raises no substantial issues warranting review."

At the election conducted on November 6, 83 votes were cast for the Union, 94 against that organization, and 13 ballots were challenged. On November 10, the Union filed timely Objections to that election based on Respondent's alleged illegal conduct which, it was claimed, affected the results of that election. On December 23, following an investigation of the issues raised by the Objection aforementioned, the Regional Director issued his Supplemental Decision and Direction in Case No. 11-RC-2022 overruling four of said Objections. With respect to the remainder, he found the testimony with respect thereto to be in conflict and involving questions of credibility as to substantial and material issues. Accordingly, he directed that a hearing to resolve these issues be held before a Trial Examiner to be designated by the Chief Trial Examiner.* Because some of the said unresolved issues raised by the Objections in Case No. 11-RC-2022 are related to the issues posed by the amended complaint in Case No. 11-CA-2491 and the complaint in Case No. 11-CA-2613, the Regional Director, deeming it necessary in order to effectuate the purposes of the Act and to avoid unnecessary costs and delay, by Orders dated December 28, 1964 and March 31, 1965, ordered that all three of said proceedings aforementioned be consolidated for hearing.

That hearing was held, pursuant to due notice, before the undersigned Trial Examiner duly designated by the Chief Trial Examiner, at High Point, North Carolina, on various dates between May 24 and June 18, 1965, inclusive. All parties to the proceedings appeared and were given full opportunity to offer relevant and competent evidence. On or about August 30, 1965, briefs were received from the General Counsel and Respondent, both of which have been duly considered.

Upon the entire record in this consolidated proceeding,

* With respect to the 13 challenged ballots, the Regional Director sustained two of such challenges. The remainder were not considered by him, as a determination with respect thereto would not affect the ultimate result of the election.

and my observation of the witnesses as they testified, I make the following:

FINDINGS OF FACT

I. The business of General Steel and Crown Flex, and their single employer status

The two complaints herein allege, the separate answers of General Steel and Crown Flex admit, and I find, that (1) General Steel and Crown Flex are North Carolina corporations engaged in the same premises at High Point, North Carolina, General Steel being engaged in the manufacture of metal components of dual-purpose furniture, and Crown Flex in the manufacture of insulator pads; (2) during the 12 months preceding the filing of the two complaints herein, each of said corporations purchased and caused to be shipped materials valued in excess of \$50,000 to its High Point, North Carolina, plant from points outside the State of North Carolina; (3) during the same period, both General Steel and Crown Flex sold and shipped finished products of a value in excess of \$50,000 to points outside the State of North Carolina. The separate answer of each corporation admits, and I find, that each of said corporations is engaged in commerce within the meaning of the Act. For the reasons heretofore detailed in Statement of the Case, *supra*, with special emphasis on the Board's Order of October 28 in Case No. 11-RC-2022, denying General Steel's Request for Review, I also find that General Steel and Crown Flex constitute a single employer for purposes, and within the meaning, of the Act. *Pittsburgh Plate Glass Co.*, 313 U.S. 146; *Tennessee Packers, Inc.*, 154 NLRB No. 73, fn. 1; *N.L.R.B. v. Quaker City Life Insurance Co.*, 138 NLRB 61.

II. The labor organization involved

Upholsterers International Union of North America, AFL-CIO, is a labor organization within the meaning of Section 2(5) of the Act.

III. The unfair labor practices

A. Interference, restraint and coercion

Frank D. Hoffman, Jr.* executive vice president of both General Steel and Crown Flex, and "operating head" of both companies during all times relevant herein, testified that in 1962 and 1963 he "heard some talk" that a union organizing campaign was taking place among Respondent's employees, and that since June 1964 he was aware of a "real effort" to bring that campaign to a successful conclusion, a campaign which Respondent admittedly sought to defeat. In its effort to avoid the designation of the Union as collective-bargaining representative of its employees, Respondent engaged in the following conduct interfering with, coercing, and restraining its employees in the exercise of their right guaranteed by Section 7 of the Act:

(1) On or about July 1, 1964, approximately six weeks before the Union made its demand for recognition on the following August 14 as is hereafter found, Foreman E. L. Curry of Crown Flex, came to employee H. T. Slate while the latter was engaged at his machine and asked him whether a union representative had called on him. Curry admitted that he made the inquiry.

(2) About July 23, 1964, Curry came to the machine of William Moss and asked him if he had heard anything about the Union. Moss testified that when he replied in the negative, Curry told him that if Hoffman "found out that anyone was for it or anything like that, that [Hoffman] would fire them." Curry admitted that he "may have" asked Moss in July whether he heard anything about the Union, he just "didn't remember whether [he] did or not, . . . [he] went around to all of them." He did not deny that he told Moss that if Hoffman found out that anyone was for the Union he would fire them.

(3) Moss further testified, credibly, that on the following day, R. H. Lewis, admitted by Respondent Crown

* Frequently referred to in the Transcript of Testimony as "Huffman."

Flex's answer to be a supervisor, came to Moss' machine and told him that he "heard the Union was back out there again and if anyone tried to get [Moss] to join, or anything like that, for [him] not to have anything to do with it, [that] if Frank Hoffman found out that anybody was for it that he would probably fire them." When Lewis was asked by Respondent's counsel whether he told Moss what the latter had attributed to him, Lewis admitted he "had a conversation like that but [didn't] remember it being with Mr. Moss *in particular*."

(4) On or about August 8, Foreman James Rigsbee came to the machine being operated by employee Samuel Snow and asked him whether he had signed a union card. Snow replied that it was none of his business.

(5) About August 19, Rigsbee approached employee Haywood Peterson and summoned four or five other employees together as a group. Rigsbee told the assembled employees *that he had just come from the office where Hoffman had told him that the union was coming in, "and if it did come in, that a nigger would be the head of it, and he was putting in 10 new machines on that line, and that if the Union did come in, the niggers would be operators of them."* Rigsbee admitted that he told the group that "they're going to get 10 new machines and 10 new niggers to run them" but that "it was all a joke." He testified, however, that he knew of only one Negro employed in the entire plant at that time, "there might have been one in the shipping department."

(6) About four or five weeks before the election, Bobby Simpson, then the foreman of the shipping department, called James Hutchins and other employees in that department to the shipping office. He there told the group that it would be their privilege to vote as they pleased and that he could not tell them which way to vote. He added, however, that "if the Union came in . . . maybe a lot of people wouldn't buy [Respondent's] products" because they were union made; that "in case [they] left and went to work some place else that it might be hard for [them] to find a job because [they] had been working for a union outfit." Simpson admitted he "might" have made a statement to the effect that if the employees "left and went

somewhere else that it would be hard to find a job because of working for a union outfit . . . that people in this area did not recognize the Union, . . . there was a possibility of some of them holding against hiring people that were associated with the Union."

(7) Two or three weeks before the November 6 election, Foreman Richard Davis came to the worktable of Eugene Heaton and Walter Lewis and asked them how they were going to vote. Upon receiving a reply that they would vote "yes," Davis said: "If you do I will fire you," laughed, and walked off. Davis admitted that he "probably" made the statements attributed to him but sought to minimize its effect by asserting that he and the employees "kidded around all the time." Heaton, however, testified that while he had no fear that he would be terminated *before* the election because of its proximity, he believed that once the election was out of the way and Respondent knew that [he] had voted for the Union, . . . they would have fired [him]."

(8) During the morning of the election, Foreman Davis came to the worktable of employee James Byrd and asked him how he intended to vote. Byrd replied that he had not made up his mind. Tiny Micheaux (Mishoe), who was working nearby, told Davis that another employee, Jack Ledford, might vote for the Union if he did not get transferred to another job to which Davis replied: "If I find out that he voted for the Union, I will fire him," and then added: "I will fire him for not doing his work."

(9) On the morning of the election, Foreman Parish told employee William Poore that the employees did not need a union and that it would do them more harm than good. Parish admitted that he said something "like that" to Poore, not on election day, but "maybe the day before that, or so."

The findings pertaining to these nine violations are based on the testimony of the employees who were the subject of the cited interrogation and to whom the described threats were addressed. Some of the accusations were admitted, expressly or impliedly, and others remained undenied. Where conflict exists and where resort must be had to all the existing circumstances and the demeanor

of the respective witnesses as they testified in order to resolve that conflict, I have no hesitation in crediting the version thereof offered by the employees against the denials of Respondent's supervisors. While many of the employees were illiterate, some of them pitifully so, I was impressed by their sincerity. The supervisors, on the other hand, impressed me as being obsessed with the desire to vindicate their employer regardless of the truthfulness of their testimony.

At this stage in the administration of the Act, I deem it unnecessary to cite authorities establishing the illegality of the threats directed to employees by Respondent's supervisors concerning their union membership or sympathies as found above: Interrogation of the employees during the Union's campaign, of which campaign Respondent was well aware, and which interrogation took place before August 14, the date of the Union's demand for recognition, can certainly not be deemed, as Respondent contends, to be "questioning which the employer was entitled to carry on for the purpose of assessing the Union's claim of majority." Nor was there any legal justification for the subsequent interrogation of employees as to *how they intended to vote* at the approaching election which the Board had ordered to be a secret election. "The most relevant factor" in determining whether interrogation is coercive is "whether the questions seem to seek information which the employer in good faith needs—as when individuals are asked whether they belong to the Union so that the employer can check the Union's claim to represent a majority, or to the contrary seem to seek information most useful for discrimination." *N.L.R.B. v. Firedoor Corporation*, 291 F. 2d 328 (C.A. 2), cert. denied 368 U.S. 921. Here, the interrogation found to be violated immediately above was conducted under such circumstances as to disclose on its face that it was a kind which reasonably may be expected to impede and coerce employees in the free exercise of their statutory rights. *Mallory Plastics Company*, 149 NLRB No. 138; *Heinrich Motors, Inc.*, 153 NLRB No. 139.

I also find coercive Rigbee's statement to Peterson made immediately after he left Hoffman's office as described in

III A (5) *supra*, that if the Union came in, a "nigger" would be the head of that organization.⁵ I regard this statement "as a threat that working conditions would not be as pleasant after the advent of a union. There are large areas and many localities in this country, [fortunately diminishing in size and number], where those of Anglo-Saxon stock regard themselves as an elite segment of society with the same arrogance and as little reason as Hitler so regarded Nordics. I cannot read into [Rigsbee's] statement . . . an expression of dedication to principles of democracy or fair employment practices. It was, rather, a direct threat that . . . if they accepted the Union, . . . the employees would suffer enforced association with [and be subjected to working conditions negotiated by], persons of supposedly inferior origins." *Petroleum Carrier Corporation of Tampa, Inc.*, 126 NLRB 1031, 1038-9. By that threat, Respondent violated Section 8(a)(1) of the Act.⁶

B. *The posted notice*

About September 1, Respondent posted on its premises a large notice "TO ALL EMPLOYEES" reading, in part, as follows:

Because of the campaign which the union is putting on to get into the plant, several questions have come up on which you will want to know how the Company stands. We have decided to state the Company's position clearly for the benefit of everyone.

(1) This is a matter of concern to the Company, of course, and it is also a matter of serious concern to you. It is our firm belief that if this union were to get into this Company it would not benefit you but would work to your serious harm.

⁵ Ted Davis, the Union's International representative most active in the campaign to organize Respondent's employees, appeared to be of the Negro race.

⁶ See also *Atkins Saw Division, Borg-Warner Corporation*, 148 NLRB No. 98.

(2) It is our positive intention to oppose the union and by every proper means to prevent it from coming in here.

The Board has on several prior occasions found and concluded, as I do herein, that this identical notice to employees predicting that the advent of a union "would not benefit you but would work to your serious harm" is violative of Section 8(a)(1) of the Act. *Overnite Transportation Company*, 154 NLRB No. 98; *Burlington Industries, Inc.*, 144 NLRB 245; *Owens-Corning Fiberglas Corporation*, 146 NLRB 1492, 1503; *White Oaks Acres*, 134 NLRB 1145, 1149-1150.

C. The preelection speech

A day or two before the November 6 election, Hoffman assembled all the employees and delivered a speech designed to influence them to vote against the Union at the coming election. Employee Roy Edmonds testified that Hoffman "started off bringing up the Right To Work law; he said that if we went out on strike, when we hit the door we had no more job," and that while the "government said he had to negotiate in good faith, he said he would negotiate, negotiate, and keep on negotiating." Employee John Edmonds testified to the same effect but added that Hoffman said "he did not have to sign a thing," that "strikes were the only weapon the union had [which weapon, he said], was no good in North Carolina with [its] Right to Work law."

James Hutchins testified that Hoffman reminded the assembled employees of the Bottoms-Fiske strike which he said lasted two years, at the end of which 'the employees "lost their homes and their cars and everything they had"; that he recalled a strike at Finch Furniture nearby in Thomasville where, he said, they "lost their homes and cars and haven't gone back to work yet"; that if the Union came in Respondent's plant and went out on strike, when they "walked through that door [they] were finished, . . . [they] couldn't get back in." Hutchins also testified that Hoffman stated that although the "National Labor Board said that he would have to negotiate in good

faith, he would negotiate, negotiate, negotiate; and negotiate."

Employee Wayne McCall testified that during the speech Hoffman said "he couldn't . . . and was not going to work with a union in the plant"; that in connection with a strike in Thomasville which lasted "maybe two years, . . . the men were out walking picket lines in the cold, they lost their cars, their homes, they were still out of work, they couldn't get a job for participating with a union . . . ; that one weapon that the Union has is a threat of a strike, and that in North Carolina a strike is no good to nobody (sic) because you have the Right to Work law and when you walk out the door you are *fired and finished*, and we can hire new men in your place to take your job." With reference to the duty to negotiate, McCall testified that Hoffman said "the Government requires me to negotiate a contract, and I will negotiate, and negotiate, and negotiate, but no union will get a damn thing from me." He further testified that in discussing the strike at Bottoms-Fiske "he said that they voted in the Union and had bombings and dynamitings and men were out of a job."

With respect to that speech, Hoffman testified that he read from two lengthy letters written to all the employees on October 28 and November 3 but admitted that there was "*some added speech . . . Side comments . . .* that came about from comments and questions from the employees." With respect to the duty to bargain, he denied that he said he would "negotiate, negotiate, and negotiate" and testified that he told the employees that if the parties agreed, they would "have a contract or something to that extent." Concerning strikes, he testified that he told the employees that it was his "understanding . . . of the North Carolina Right to Work law . . . that if any employee went on strike [Respondent] had the right to replace him.

I find Hoffman's reference to North Carolina's so-called Right to Work law to be a complete non sequitur. There is nothing in that law (General Statutes of North Carolina, Ch. 95, Sec. 78-84) which has anything to do with the right of employees to engage in a strike, or a loss of employee status for engaging a strike. Judging by the

various stages of illiteracy possessed by most of the more than approximately 100 employees who testified before me,⁷ I am convinced that Hoffman's reference to the Right to Work law was intended, and undoubtedly did create the false impression that this law limited their right to strike beyond that possessed by employees in States where there was no such law.

Hoffman admitted that during his talk there was reference to the neighborhood strikes at Bottoms-Fiske and Finch Furniture, that employees "went greatly in debt because of the strikes," and that there had been violence in connection therewith. Though he denied that he made these statements and sought to attribute the warnings to some of the employees, he admitted that he "concurred" in those views when they were expressed and that in agreement and approval thereof "motioned [his] head [in affirmation] as they were talking."

On the entire record, and my appraisal of the trustworthiness of the testimony of the employees who testified that he made the statements attributed to him, I find that Hoffman made the threats so ascribed, thereby violating Section 8(a)(1) of the Act. *Bernardin, Inc.*, 153 NLRB No. 91. While much of his speech and most of the contents of the two letters aforementioned which Hoffman testified he repeated, *verbatim* or in substance, during the course of his speech, consisted of legitimate argument against the entry of the Union, the effect of the threats heretofore found compel the conclusion that the overall effect of the speech was "to restrain employees in the exercise of their right to vote freely by instilling in them a foreboding of damage through loss of employment if the Union were selected" by the employees as their collective-bargaining representative. *Daniel Construction Co., Inc. v. N.L.R.B.*, 341 F. 2d 805 (C.A. 4); *Louisiana Manufacturing Co.*, VEB NLRB No. 131; *Rice Lake Creamery Co.*, 131 NLRB 1270, 1292; *Reed & Prince Manufacturing Co.*, 96 NLRB 850, 860, enfd. 205 F. 2d 131 (C.A. 1); *Russell-Newman Mfg. Co.*, 153 NLRB No. 105.

⁷ Respondent, in its brief also took note of the "astonishing prevalence of illiteracy among these employees."

D. *The refusal to bargain*

Following a vigorous campaign to organize Respondent's employees in the spring and summer of 1964, the Union, on August 13, sent a letter to Hoffman, as president of General Steel, received by him on August 14, advising "that a majority of your employees of the High Point, N. C. plant have signed written authorizations designating [the Union] as their collective-bargaining agent for the purpose of representing them on all matters pertaining to wages, hours of work and conditions of employment." The letter further requested voluntary recognition of the Union and that a meeting be arranged for the purpose of negotiating a collective-bargaining agreement. On August 26, counsel for General Steel, by letter, advised the Union that his client did not believe that the Union represented a majority of the employees and would not, therefore, recognize the Union "until or unless it is certified by proper authority." Since that time, Respondent has continued to refuse recognition of, or bargain with, the Union.

In the meantime, on August 14, the Union filed its petition with the Board in Case No. 11-RC-2022 seeking certification as collective-bargaining representative of "all production and maintenance employees at [General Steel's] factory at High Point, N. C." Following a hearing on that petition, conducted on September 10 by a duly designated Hearing Officer, at which Hoffman, executive vice president of both General Steel and Crown Flex, testified, the Board's Regional Director, on October 6, issued his Decision and Direction of Election finding that General Steel and Crown Flex constitute a single employer within the meaning of the Act. He further directed that an election be conducted among the following employees of both corporations which he found and concluded to be an appropriate unit for the purposes of collective bargaining within the meaning of Section 9(b) of the Act: "All production and maintenance employees at [Respondent's] High Point, North Carolina, plant, excluding office clerical employees, professional employees, guards and supervisors as defined in the Act."

As noted in the Statement of Case, *supra*, General Steel filed with the Board at Washington, D. C., its Request for Review of the aforesaid Decision and Direction of Election urging *only* that the Regional Director "had no authority to enter any order affecting its employees or grouping the employees of General Steel Products, Inc. with those of any other employer not [previously made] a party to the proceeding." On October 28, the Board issued its Order denying the aforesaid Request for Review on the ground that "it raises no substantial issues warranting review."

At the election conducted on November 6, 83 votes were cast for the Union, 94 against that organization, and 13 ballots were challenged. Being of the view that it lost the election because of Respondent's illegal conduct and seeking to set aside its results, the Union filed its Objections to that election which culminated in the Regional Director's Supplemental Decision and Direction of December 23, further described in Statement of Case, *supra*. The General Counsel now seeks to establish the Union's majority status in the instant proceedings by cards executed by a majority of the employees in the appropriate unit designating the Union as their collective-bargaining representative, and to have Respondent adjudged guilty of an unlawful refusal to bargain as permitted by the Board's rationale in *Bernel Foam Products Co., Inc.*, 146 NLRB 1277, approved by the courts in *International Union of Electrical, Radio and Machine Workers, AFL-CIO, v. N.L.R.B.*, — F. 2d — (C.A.D.C., May 13, 1965, 59 LRRM 2232); *Colson Corporation v. N.L.R.B.*, 347 F. 2d 128 (C.A. 8).

Respondent, in its brief, correctly contends that in order to prevail on this theory the General Counsel must prove "all of the following necessary elements: There must be (1) an unequivocal demand for recognition and bargaining (2) in an appropriate unit (3) by a union actually representing a majority of employees in the unit demanded and (4) the employer must have declined in bad faith to extend recognition, having no good-faith doubt of the Union's majority."

With respect to (1) immediately above, Respondent contends that "there was no unequivocal demand for recognition and bargaining." I find nothing equivocal in the Union's demand of August 13 expressly demanding both recognition and the designation of a time and place to begin collective bargaining. Nor is there merit to Respondent's argument that this demand lost its effect by the filing of the Union's petition with the Board on the following day.* Equally devoid of merit is the contention that there has been no proper demand because the Union's letter of August 13 was addressed only to Hoffman, as president of General Steel, and that no demand has ever been made on Crown Flex. By reason of the Board's Order of October 28 denying Respondent's Request for Review more fully described above, it is now "the law of the case," insofar as I am concerned, that General Steel and Crown Flex constitute a single employer. In that state of the record, the demand of August 13 must be deemed sufficient as to both corporations.

Nor is it fatal to the General Counsel's case that the Union's demand for recognition failed to "define any unit," but merely claimed the right to represent "a majority of your employees of the High Point, N. C. plant." *Within a day or two thereafter*, Respondent received a copy of the Union's petition in Case No. 11-RC-2022 describing the unit for which representation was claimed as follows: "All production and maintenance employees employed at the Employer's factory at High Point, N. C., excluding office clerical employees, guards, professional employees and supervisors as defined in the Act." At the hearing on that petition, *no issue was raised* concerning the description or appropriateness of that unit and it was so found to be by the Regional Director's Decision and Direction of Election. Furthermore, *no question about the unit was raised* by Respondent in its letter of August 26 refusing the Union's request for recognition and bargaining, or in its Request for Review by the Board of the Regional Director's Decision and Direction of Election. On

* *United Mine Workers v. Arkansas Oak Flooring Co.*, 351 U.S. 62; *N.L.R.B. v. Overnite Transportation Co.*, 308 F.2d 279 (C.A. 4).

the entire record in this proceeding, as well as the *entire record* in Case No. 11-RC-2022 of which I have taken official notice as requested, I find that the variance between the description of the unit as set forth in the Union's letter of August 13 and that found by the Regional Director in his Decision of October 6 to be without fatal effect. *Sabine Vending Co., Inc.*, 147 NLRB 1010; *Gotham Shoe Manufacturing Co., Inc.*, 149 NLRB No. 80.

To establish the third necessary element, that the Union actually represented a majority of the employees in the unit, there were received in evidence General Counsel's Exhibit 4 A-B, being lists prepared by Respondent showing the names and "occupations" of 229 persons employed by Crown Flex and General Steel, respectively, during the week ending August 15, 1964.* An analysis of these two lists discloses that they contain the names of 22 persons classified as foremen, clericals, and watchmen, employees not within the unit. I therefore find that on the critical date herein, August 14, the day of the Union's demand for recognition, there were 207 employees in the unit and that 104 would constitute the majority necessary to establish the Union as the collective-bargaining representative of all the employees in the unit.

To establish that majority status, the General Counsel called more than 100 witnesses and offered into evidence 133 cards purporting to bear the signature of that number of employees in the unit, all of the cards being dated prior to or on August 13, and reading as follows:

* These two lists were submitted to the Board's Regional Director by Respondent pursuant to an Order of the United States District Court for the Middle District of North Carolina, requiring Respondent's obedience theretofore withheld, to the Board's subpoena for "a list of persons employed by it during the week ending August 15, 1964 . . . together with job classification of each employee."

Upholsterers International Union
of North America
AFL-CIO

I do hereby designate and authorize the Upholsterers International Union of North America, AFL-CIO, and its representatives to act as my representative for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment.

Signed

Name

Date

At the hearing, Respondent objected to the introduction into the record of practically all of the 133 cards,¹⁰ principally on the ground that the signers thereof were either allegedly told, believed, or led to believe that the cards would be used *only* to get an election. Though I received all of the cards in evidence, I announced that this did not necessarily mean that I thereby deemed them to be valid designation cards for the purpose claimed by the General Counsel, and that my determination of that ultimate issue would be made in this Decision after a careful review of the entire record. Accordingly, and because I did not, during the hearing, fully explicate my reasons for overruling most of Respondent's objections to the receipt in evidence of the cards in question, objections which are again urged upon me by Respondent's brief, I deem it appropriate to here summarize the reasons for those rulings and the rationale for the conclusions that follow with respect to the cards as valid designations of the Union as collective-bargaining representative.

Any analysis of the problem under consideration must begin with due regard for the *unequivocal* nature of the cards. Notwithstanding the clearly stated exclusive purpose of the card as so designated thereon, I am in full agreement with Respondent's contention "that if a man

¹⁰ In its brief, Respondent modified its position but still contend-
ed that 114 of such cards may not be considered valid designations
of the Union by the employees whose signatures appear thereon.

is told in *haec verba* that his card is 'only' for an election or 'just' for an election, then the card cannot be used to obtain recognition in any other manner." *Englewood Lumber Company*, 130 NLRB 394. Where, however cards are solicited "for the dual purpose of (a) petitioning the Board for an election, and (b) authorizing the Union to represent the employees as their collective bargaining agent, . . . [the cards are] valid designations of the Union as bargaining representative of the employees." *The Shelby Manufacturing Company*, 155 NLRB No. 39 (November 1, 1965); *Lenz Company*, 153 NLRB No. 120; *S. N. C. Manufacturing Co., Inc.*, 147 NLRB No. 92, enfd. — F. 2d — (C.A.D.C., May 13, 1965); *N.L.R.B. v. Hyde*, 339 F. 2d 568 (C.A. 9); *N.L.R.B. v. Geigy Co.*, 211 F. 2d 553, 556 (C.A. 9); *Winn-Dixie Stores, Inc.*, 143 NLRB 848, enfd. 341 F. 2d 750 (C.A. 6); *Gotham Shoe Manufacturing Co., Inc.*, 149 NLRB No. 80; *N.L.R.B. v. Cumberland Shoe Corporation* — F. 2d — (C.A. 6, Oct. 26, 1965).

Oral statements that the union intends to seek an election and intends to use the cards in support of its petition for such election, as distinguished from statements that they will be used *only* or *just* for an election, are not misrepresentations when the union in fact intends to do so. The union solicits signatures on authorization cards such as those here, *either* to request recognition when a majority of employees within the unit have signed, or to obtain a sufficient number of signatures to petition for a Board-conducted election,¹¹ or to do both. Cf. *N.L.R.B. v. Wheland Co.*, 271 F. 2d 122 (C.A. 6); *N.L.R.B. v. Geigy Co.*, 211 F. 2d 553, 556 (C.A. 9). It is by no means unusual for a union to seek a Board election, even after a majority of the employees have designated it as collective-bargaining representative. The union may seek such

¹¹ In order to free itself from the necessity of conducting elections in which the petitioning union has no substantial likelihood of success, the Board has long held that a union seeking a representation election must demonstrate a showing of interest in union representation by at least 30 percent of the employees involved. See the Board's Rules and Regulations, Section 101.17-101.18; also *N.L.R.B. v. J. I. Case Co.*, 201 F.2d 597, 598-600 (C.A. 9).

an election, rather than press for recognition, so as to obtain the special statutory benefits conferred upon certified unions. For example, a Board certification normally protects the representative status of the certified union for a minimum of one year, despite actual loss of its majority. See *Ray Brooks v. N.L.R.B.*, 348 U.S. 96. Such certification also accords protection to the Union, under Section 8(b)(4)(C) of the Act against raiding by rival unions. Indeed, that the Union herein intended to use the cards for the dual purpose of requesting recognition based on the cards designating it as representative and, if necessary, to secure an election, is amply demonstrated by the fact that on the *very next day* after the Union wrote the Company requesting recognition, it also filed a petition for an election with the Board's Regional Office.

Although solicitors in many cases may have mentioned a use of the cards in order to secure an election, all the cards signed are explicit and unambiguous. Each plainly states that the employee authorizes the Union "to act as my representative for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment." The language clearly designates the Union as collective-bargaining representative, empowering it to sign a contract with the Employer. The card is devoid of any reference to a Board-conducted election; the word "election" does not even appear on the card. Cf. *Morris and Associates, Inc.*, 138 NLRB 1160, 1164, 1176.

As the court emphasized in *Joy Silk Mills, Inc. v. N.L.R.B.*, 185 F. 2d 732, 743 (C.A.D.C.), cert. denied 341 U.S. 914, it has long been held that "[a]n employee's thoughts (or afterthoughts) as to why he signed a union card, and what he thought that card meant, cannot negate the overt action of having signed a card designating a union as bargaining agent." Accord: *N.L.R.B. v. Greenfield Components Corp.*, 317 F. 2d 85, 89 (C.A. 1); *N.L.R.B. v. Gorbea, Perez & Morell*, CJJ F. 2d 886 (C.A. 1); *Whitelight Products Co. v. N.L.R.B.*, 298 F. 2d 12 (C.A. 1) cert. denied 348 U.S. 821; *N.L.R.B. v. Stow Mfg. Co.*, 217 F. 2d 900 (C.A. 2) cert. denied 348 U.S. 964; *Dan River Mills, Inc.*, 121 NLRB 648, enforcement

denied on other grounds, 274 F. 2d 381 (C.A. 5). This rule is but another application of the principle expressed in *Allied Steel & Conveyors, Inc. v. Ford Motor Company*, 277 F. 2d 907, 913 that "[i]n the absence of fraud or wilful deceit, one who signs a contract which he has had an opportunity to read and understand, is bound by its provisions." Such a rule is particularly applicable here, since almost all the employees who were asked, testified that they read the authorization card or that it was read to them before they signed it or authorized it to be signed in their behalf. Sound policy supports the application of the rule to union authorization cards. It has long been settled that such cards are an acceptable means of proving a union's majority (*United Mine Workers v. Arkansas Oak Flooring Co.*, 351 U.S. 62, 71-72), and they could hardly serve that office if they were subject to repudiation by testimony as to mental reservations.

At first glance, the distinction between representations that an election is the *sole* purpose of the cards, and representations that an election is *a* purpose may seem a fine one, but the distinction goes to the very basis for the rule. Thus, by stating that the card may or will be used to secure an election, the solicitor neither contradicts the plain statement on the card nor misstates the Union's actual intention. As the Board observed in *Cumberland Shoe Corporation*, 144 NLRB 1268, "[t]he failure of the union solicitors to affirmatively restate [the authorization contained in the card] does not indicate that it was abandoned or ignored."

Seeking to completely vitiate the unequivocal effect of the cards, counsel for Respondent, on cross-examination of most of the card-signers, sought to ascertain *only* whether they were told that their card would be kept secret, confidential, or shown only to the Board. Being of the view that a line of inquiry, so *limited*, has no relevance in the determination of the *purpose* for which the card was signed, I sustained the General Counsel's objection thereto.¹² Accordingly, I reject Respondent's contention

¹² This is not to say that such a line of inquiry would be irrelevant if the employee was *also expressly* told that the card would be used *only* or *just* for an election.

"that if a man is told that his card will be secret, or will be shown only to the Labor Board for the purpose of obtaining election, that this is the absolute equivalent of telling him that it will be used 'only' for purposes of obtaining an election." (Emphasis supplied.)

With the foregoing principles in mind, we turn next to a consideration of the entire record to determine whether the cards upon which the General Counsel relies are valid designations of the Union as collective-bargaining representative. Respondent, in its brief, now concedes that cards of the 19 employees named in the attached Appendix A may be used and relied on for that purpose. With respect to the remainder of the cards, Respondent's exhaustive brief succinctly summarizes the testimony pertaining to each card and which testimony, it contends, bars or forecloses use of that card as a valid designation of the Union by the person whose signature appears thereon.

With respect to the 97 employees named in the attached Appendix B Respondent in its brief contends, in substance, that their cards should be rejected because each of these employees was told *one or more* of the following: (1) that the card would be used to get an election (2) that he had the right to vote either way, even though he signed the card (3) that the card would be kept secret and not shown to anybody except to the Board in order to get an election. For reasons heretofore explicated, I conclude that these statements, singly or jointly, do not foreclose use of the cards for the purpose designated on their face. *Lenz Company, supra; S. N. C. Manufacturing Co., Inc., supra; N.L.R.B. v. Hyde, supra; N.L.R.B. v. Geigy Co., supra; Winn-Dixie Stores, supra; Gotham Shoe Manufacturing Co., Inc., supra; N.L.R.B. v. Cumberland Shoe Corporation, supra.* All of these cards were read by or to each signer thereof, and were signed by or in behalf of each person whose signature appears thereon.

In arriving at my ultimate conclusion with respect to these cards, I have not been unmindful of an additional factor upon which Respondent relies with respect to at least 17 card signers as being either "a complete illiterate," "semiliterate," or that it "was not shown . . . that

this man had sufficient understanding of what he was doing." While the varying stages of illiteracy of all the employees has been considered by me in appraising its impact on the representations described in (1), (2), and (3) of the preceding paragraph, consideration of *all* the testimony pertaining to the circumstances under which the signatures were obtained convinces me that by affixing or authorizing their signature to the card all of these employees not only intended, but were fully aware that they were thereby designating the Union as their representative. Based on their testimony and that of the witnesses who procured their signature, concerning which more will be said later, I find and conclude that the cards of the 97 employees named in Appendix B are valid designations of the Union as their collective-bargaining representative.

An additional ground relied on by Respondent for rejection of the cards of at least two employees named in Appendix B, Edward Laws 6(a)(42) and Charlie Oakley 6(a)(66), is that these employees were told, in substance that if they waited to join the Union until after its election, they would be required to pay an initiation fee. I find no merit to this contention. "Waiving of fees during the organizational period does not smack of coercion but rather of promotional persuasion." *N.L.R.B. v. I. Taitel & Son*, BFV F. 2d 1 (C.A. 7), enfg. 119 NLRB 910, cert. denied 368 U.S. 938; see also *Amalgamated Clothing Workers v. N.L.R.B.*, 345 F. 2d 264 (C.A. 2); *N.L.R.B. v. Gorbea, Perez & Morell*, *supra*; *Peoples Service Drug Stores, Inc.*, 154 NLRB No. 118 (Sept. 24, 1965).

During the hearing, and throughout its brief, Respondent also repeatedly objected to reliance upon the cards for the purpose expressed therein on the ground that the testimony pertaining to the date of execution thereof was not sufficiently established. While it is true that a number of employees, testifying approximately nine months or more after the event, were uncertain as to the exact date their signatures were subscribed or affixed to their cards, the testimony is undisputed that all of the cards, offered in evidence and relied on by the General Counsel,

except that of Wilma Bryant 6(a)(12),¹² were filed by the Union with the Board's Regional Office at about 10:30 a.m. of August 14, 1964, and bear the Regional Office stamp of that time and date. I therefore find that all of these cards were executed prior to that date. *Combined Metal Manufacturing Co.*, 123 NLRB 895; *Cameo Lingerie, Inc.*, 148 NLRB No. 60; *I. Taitel & Son, supra*.

Respondent also urges that the card of John W. McCarter 6(a)(79) be rejected because it is dated July 6, 1964, whereas "he did not go to work for the employer until July 8, 1964." No contention is made, however, that he was not employed by Respondent on August 14, the date of the Union's demand for recognition. It seems reasonable to infer and conclude that on or before July 6, McCarter had already made arrangements for employment by Respondent and signed the card in anticipation of that employment. On the record made here, and there being no contention that McCarter revoked his designation either prior to or after July 8, I see no reason to reject his appointment of the Union.

The card of Jack Rozier 6(a)(76) is also attacked by Respondent, apparently on the ground that it was not delivered by Rozier to anyone for use as his designation of the Union. His card, dated July 29, 1964, was first received in evidence on the testimony of Bobby Lloyd, who testified that while sitting next to Rozier at a Union meeting, he not only saw him sign this card but also "saw him when he turned it in." Rozier later testified that he signed and "filled out" the card in question but claimed that he did so in his car in the parking lot at the mill, following which he drove to his home and left the card on the car seat. He further testified that he never saw the card again until "just now," at the hearing, that he left the signed card on the car seat because he "wanted

¹² Though Bryant could not recall the date she signed her card; it is dated Sunday, August 9, 1964, and there is no evidence that this was not the date of execution. Brown testified that on August 10, he was advised by Ethel Jenkins (Jennings) that she had Bryant's signed card in her possession. Because he knew that the Union already had a majority of the Employees signed up, he did not pick up Bryant's card until later.

to think about it more before [he] turned it in, or before [he] authorized them to represent [him]." I credit the testimony of Bobby Lloyd that Rozier signed his card at the Union meeting and "turned it in" at that time, not only because Lloyd impressed me as a trustworthy witness, but because of the fantastic tale offered by Rozier to explain the presence of the card in the hearing room—that he "could have knocked it out and somebody could have gotten it out of the car, . . . I just left it laying on the seat." Not only is this explanation so highly improbable, but Rozier's demeanor while testifying inspired no confidence in the trustworthiness of his testimony and leaves me no alternative other than to reject that testimony.

There remain for consideration the cards of the six employees named in Appendix C who were told, *inter alia*, that the cards would be used only, or just, for an election. In his endeavor to establish that this was represented to be the only purpose of the cards, counsel for Respondent, on *voir dire* examination of a number of card signers, elicited testimony to that effect by means of leading questions. Though I am mindful that leading questions are generally permitted in the cross-examination of witnesses, I am not here persuaded that an affirmative answer so induced, by *itself* and without regard for the remainder of the record, has sufficient probative weight "to controvert the statement of the purpose and effect of [the] cards contained on the face thereof." *Cumberland Shoe Corporation*, 144 NLRB 1268, fn. 3, as amended by the Board's Order issued January 13, 1964, of which I have taken official notice, and which Order was enforced, — F. 2d — (C.A. 6, October 26, 1965). In evaluating such suggested testimony, consideration must be given to the testimony of that witness *as a whole*. Here too, however, as in the case of the employees described in Appendix B, appraisal of such testimony cannot ignore the varying stage of illiteracy of the witnesses involved and the degree of their sophistication—or lack thereof. Though entitled to consideration, I do not deem the affirmative answer of employees given in response to such leading questions as decisive or conclusive where such answers are in

conflict or irreconcilable with either the rest of the testimony of such employees and/or of credible evidence negating the testimony so adduced.

Among the instances illustrative of the unreliability of testimony so elicited, is the testimony of Curtis Benson 6(a) (89). One of the first questions asked of him by Respondent's counsel, on *voir dire* examination, was whether Larry Robinson, who gave him the card, told him "that the purpose of the card was just to get an election in the plant." Benson replied: "Yes, he did." When he was then asked by the General Counsel to tell "exactly" what Robinson said when he gave him the card, Benson testified: "I couldn't tell you exactly what was said; it has been quite a while back; he mentioned the union to me before he gave me the card." Upon being urged by me to do the "best" he could to relate "*everything*" that was said at that time," he testified as follows: "Well, he brought the subject up and he asked me was I interested in it; and I asked him to tell me more about it; and he said to sign the card that *I would be signing that I wanted the union to represent me with the Company*; and it sounded right good to me; and so I signed it." He was next asked, specifically, whether he could "remember anything else that was said" and he replied that he could not. Robinson, who appeared as a witness a day earlier, testified that he gave Benson the card and "told him that it was a union authorization card for the union to represent him, . . . gave him this card for him to read, and he read it aloud, and filled out the card, and signed his name," and gave it back to Robinson.

Wilma Bryant 6(a) (12), who testified that she read and signed the card, was then asked on *voir dire* examination by Respondent's counsel not what she was told by Mrs. Jennings (Jenkins) who solicited the signature, but whether she was told "that these cards were being signed up just for the purpose of getting an election" and her answer was: "Yes, sir." The General Counsel then asked Bryant to relate "exactly" what she was told and she testified as follows: "She said it would be better to have a union where we worked at," that this was "all that was said [and that she could not] remember anything else

about the conversation." Respondent's counsel then asked Bryant whether it was Jennings (Jenkins) "or someone else that told [her] that these cards were just to get an election," to which Bryant replied: "She is the one." Expressing confusion concerning her testimony and its apparent inconsistency, I asked Bryant to "tell me again what was said" and she testified as follows: "Well, she handed me the card, and I said 'well, I don't know,' and she said, 'if you sign, it would be better to have a union where we work,' and I said 'I will think about it' and then I said 'I will sign a card.'" I next asked her whether there "was anything said at that time about an election" and she testified that Jennings (Jenkins) "said it was better to have a union where we worked at, *that is all she said.*" When I then inquired whether "nothing was said about an election at that time," she testified: "No, that is all that was said." Counsel for Respondent again asked whether it was "then or at some other time that [she was] told that these cards were just for the purpose of getting an election" and she replied: "She handed me the card and told me that it would be better to have a union where we worked and I told her I didn't know, and she said 'Think about it,' and I did. I signed the card."

Of a similar nature was the testimony of Jerry L. Furr 6(a)(103), who acted as Respondent's observer at the election. After testifying that he read, signed, and filled out the remainder of his card at the request of Ted Davis, the Union's International Representative, Furr was suggestively asked by Respondent's counsel whether Davis told him "that the purpose of getting the card signed was just to get an election in the plant," and he replied: "Yes." When pressed by the General Counsel to tell *all* that he remembered of the conversation with Davis, he testified: "Well, we sat there at the kitchen table; and anyway he asked me did I think would a union help; or something like that, I don't know how it went; I don't even remember; but I know he just asked me would I sign a card, did I want to sign a card; and at that time I said I would; he said they were getting cards to get *an* election at the plant."

James Benson 6(a)(9) also testified that at the request of Davis and Napolean Brown, another International Representative of the Union, he signed the card designating the Union as his bargaining representative. On *voir dire* examination by Respondent's counsel, Benson was asked to repeat the conversation he then had with Davis and Brown and testified as follows: "They said that they were going to represent the Union, they wished us to sign a card so that they could have an election." Respondent's counsel next asked whether the two men told him "that the cards were just to get an election" and Benson replied: "Yes, sir." Upon further examination by the General Counsel, however, Benson admitted that in an affidavit previously given to the General Counsel he swore that he "was not told that [he] was signing a card just to get an election." He further testified that this affidavit "is correct . . . and true." Respondent's counsel again asked whether the two representatives told him "that signing this card was just to get an election" and Benson again replied affirmatively. I then asked him to tell "in [his] own words what was said" and he testified: "Well, they came to the house, and said that they were representing the Union, and if I wanted to sign a card, I don't know what else, because they said they would have an election." And that they did not "say anything else" in the 3-5 minutes they were there.

Though H. C. McMurray 6(c) and Samuel Snow 6(k) were not allowed to answer Respondent Counsel's question whether they were told that the only purpose of the card was to get an election, both testified they "signed the card to get the Union in."¹⁴

In appraising the effect to be given to the suggestive testimony described above, consideration must also be

¹⁴ Though on several occasions I sustained the General Counsel's objections to leading questions suggesting that other employees were told that the only purpose of the cards was to secure an election, for purpose of decision herein, I will assume that these other employees, if permitted to testify, would have responded affirmatively. I have not, however, relied on the cards of any of these other employees in my determination of the Union's majority status. My ultimate conclusion that the Union otherwise achieved that status remains the same.

given to the testimony of Davis and Brown who were accused of making practically all of the alleged fatal misrepresentations. Though Davis admitted that in the solicitation of signed cards mention was made to some of the employees of a possible use of the cards to secure an election, and/or that their cards would be kept confidential and not shown to their *foremen*, both men unequivocally denied that they ever told any employee that the card would be used *only* or *just* for an election. Davis and Brown, by their testimony and demeanor, impressed me as being most worthy of belief and I credit their denials of the alleged misrepresentation. By doing so, I do not accuse the employees who testified contrariwise of having offered false testimony wilfully. Consideration of all their testimony, their degree of illiteracy and lack of sophistication, convinces me that their affirmative answers to the leading questions under consideration were unwittingly uttered, and constitute their own erroneous conclusions derived from the statements of the Union representatives. However, such conclusions, "thoughts (or afterthoughts) as to why [they] signed a union card and what [they] thought the card meant, cannot negative the overt action of having signed a card designating a union as bargaining agent." *Joy Silk Mills, Inc. v. N.L.R.B.*, *supra*; *Colson Corporation v. N.L.R.B.*, 347 F. 2d 128, 135 (C.A. 8). By reason of all the foregoing, I find and conclude that the cards of the above-mentioned six employees, named in Appendix C, are valid designations of the Union as their collective-bargaining representative.

Having found that there were 207 employees in the bargaining unit on August 14, when the Union made its demand to bargain, and that the 122 employees named in Appendixes A, B, and C, had prior thereto validly designated the Union as their collective-bargaining representative, I further find and conclude that on the day aforementioned the Union was the duly selected bargaining representative of all the employees in the unit described in the Regional Director's Decision and Direction of Election of October 6.¹²

¹² The Union's status having been established by a substantial number exceeding the necessary majority of 104, I find it unnece-

Turning now to the question of whether Respondent's refusal to bargain with the Union on and after August 14 was occasioned by its alleged good-faith doubt that the Union in fact represented a majority of the employees, Respondent concedes that as was its legal right, it was opposed to the entry of the Union in its plants as collective-bargaining representative of its employees.

Following receipt of the Union's demand on August 14, Hoffman called a meeting of his foremen on Monday, August 17, at which he informed them of the Union's letter. He testified that he asked them "how they felt about the employees as to whether they wanted a union to represent them or not and . . . they said they didn't know." He then asked them to "try to find out in their department [whether] the majority wanted the Union to represent them," but *not to* "interrogate the people or in any way to threaten them." Foreman Rigsbee, testifying in behalf of Respondent, testified Hoffman *specifically* told the foremen "not to ask [the employees] if they had signed a union card."

Between that day and August 26, at meetings with his foremen, Hoffman received their "*opinions* as to how *they* felt their department stood" which, coupled with his own personal interviews or conversations with 8-10 employees, brought him to the conclusion that about 30 percent of the employees wanted the Union to represent them and about 70 percent did not. He then instructed his attorney to write the letter of August 26 declining recognition of the Union.

"By its very nature, the issue of whether an employer has questioned a union's majority in good faith cannot be resolved by resort to any simple formula. It can only be answered in the light of the totality of all the circumstances involved in a particular case. But among such circumstances, two factors would seem to be essential prerequisites to any finding that the employer raised the majority issue in good faith . . . There must, first of all, have

sary to extend this Decision by a consideration of the remaining cards in the record, none of which have been relied on by me in finding the Union's majority status.

been some reasonable grounds for believing that the union had [never achieved majority status]. And, secondly, the majority issue must *not* have been raised by the employer in a context of illegal anti-union activities, or other conduct by the employer aimed at causing disaffection from the union or indicating that in raising the majority issue the employer was merely seeking to gain time in which to undermine the union." *Celanese Corporation of America*, 95 NLRB 664, 673; *Joy Silk Mills, Inc.*, 85 NLRB 1263, enfd. as modified on other grounds, 185 F. 2d 752 (C.A.D.C.), cert. denied 341 U.S. 914.

Because the record herein abundantly establishes that Respondent has raised the majority issue "in a context of illegal anti-union activities," I find it unnecessary to engage in any lengthy analysis of the testimony of Respondent's foremen upon which Hoffman allegedly relied in arriving at his conclusion that 70 percent of the employees were opposed to the Union. Were I required to do so, I would unhesitatingly find that the reports of the six foremen who testified that they reported to Hoffman, and especially their testimony relating to the basis for their reports, are so lacking in probative weight that neither they, nor Hoffman, had "reasonable grounds for believing" that the Union had not been designated by a majority of the employees.¹⁶ "A showing of such doubt . . . requires more than an employer's mere assertion of it and more than proof of the employer's subjective state of mind. The assertion must be supported by objective considerations. The applicable test, as defined in the *Celanese* case, is whether or not the objective facts furnish a 'reasonable basis' for the asserted doubt." *Laystrom Mfg. Co.*, 151 NLRB No. 144.

Here, "there is . . . affirmative evidence showing Respondent to have engaged in the unfair labor practices detailed above after the Union's request to bargain, whose foreseeable consequence was the destruction of the Union's majority status. It is, therefore, not surprising that the majority which the Union clearly possessed on [Au-

¹⁶ Six other foremen employed during the week ending August 15 did not testify. These six foremen had charge of 93 employees.

gust 14] when it first demanded recognition, should have been subsequently lost. That such loss was attributable to the Respondent's unfair labor practice is clear." *Master Transmission Rebuilding Corporation & Master Parts, Inc.*, 155 NLRB No. 35 (October 28, 1965). By thus destroying the Union's majority, Respondent interfered with, restrained, and coerced its employees in the exercise of rights guaranteed in Section 7 of the Act, thereby violating Section 8(a)(1) thereof. By refusing the Union's demand to bargain on and after August 14, Respondent also violated Section 8(a)(5) of the Act. Under either section of the Act, effectuation of the policies and purposes of the Act requires the issuance of a bargaining order as part of the remedy necessary to remedy the violations found herein.

Report and Recommendations in Case No. 11-RC-2022

In accordance with the Regional Director's Supplemental Decision and Direction, and the Board's Rules and Regulations, Series 8, as amended, I find no substantial, credible evidence in the record to sustain the following Union Objections to conduct affecting the results of the election: Objections Nos. 1, 8, and 9. With respect to Objections 4, 6, "and other acts and conduct," I find that Respondent was guilty of the conduct complained of therein to the extent set forth in Section III A, (6), (7), (8), and (9), *supra*. Concerning Objections Nos. 5 and 6, I find, as set forth in Section III B, and III C, *supra*, that the posted notice referred to in Objection No. 5 and the speech referred to in Objection No. 6 were violative of Section 8(a)(1) of the Act. Accordingly, I recommend that Objections Nos. 4, 5, and 6 be sustained to the extent indicated above and that the election of November 6, 1964, be set aside.

Upon the entire record in this consolidated proceeding, I make the following:

Conclusions of Law

1. By interrogating and threatening employees concerning their union membership or activities, Respondent

engaged in unfair labor practices affecting commerce within the meaning of Section 8(a)(1) and Section 2(6) and (7) of the Act.

2. All production and maintenance employees employed by General Steel Products, Inc., and Crown Flex of North Carolina, Inc., at their High Point, North Carolina, location, excluding office clerical employees, guards, professional employees and supervisors as defined in the Act, constitute an appropriate bargaining unit.

3. By refusing to recognize and bargain with the Union, the duly designated collective-bargaining representative of its employees, Respondent has engaged in an unfair labor practice affecting commerce within the meaning of Section 8(a)(5) and (1) and Section 2(6) and (7) of the Act.

The Remedy

I recommend the issuance of an Order directing Respondent to cease and desist from engaging in the conduct herein found to be violative of the Act and affirmatively, upon request, to bargain with the Union as the exclusive representative of all employees in the above-described appropriate unit, and to post appropriate notices.

Accordingly, upon the foregoing findings of fact and conclusions of law, and on the entire record herein, I recommend, pursuant to Section 10(c) of the Act, issuance of the following:

ORDER

Respondents General Steel Products, Inc., and Crown Flex of North Carolina, Inc., their officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Refusing to bargain with Upholsterers International Union of North America, AFL-CIO, as the exclusive representative of the employees in the following appropriate unit:

All production and maintenance employees employed by General Steel Products, Inc., and Crown

Flex of North Carolina, Inc., at High Point, North Carolina, excluding office clerical employees, guards, professional employees and supervisors as defined in the Act.

(b) Interrogating employees with respect to their union membership or activities in a manner violative of Section 8(a)(1) of the Act.

(c) Threatening employees with reprisals if they designate the Union as their collective-bargaining representative.

(d) In any other manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed in Section 7 of the Act.

2. Take the following affirmative action which I find to be necessary to effectuate the policies of the Act:

(a) Upon request, bargain collectively with the above-named Union as the exclusive representative of all employees in the above-described appropriate unit, and embody in a signed agreement any understanding reached.

(b) Post at their plants at High Point, North Carolina, copies of the notice hereto attached and marked "Appendix D."¹⁷ Copies of such notice to be furnished by the Regional Director for the Eleventh Region, shall, after being signed by the authorized representative of Respondent, be posted immediately upon receipt thereof, and be maintained by them for a period of 60 consecutive days thereafter in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by Respondent to insure that such notices are not altered, defaced, or covered by any other material.

¹⁷ If these Recommendations are adopted by the Board, the words "A DECISION AND ORDER" shall be substituted for the words "THE RECOMMENDATIONS OF A TRIAL EXAMINER" in the notice. If the Board's Order is enforced by a decree of a United States Court of Appeals, the notice will be further amended by the substitution of the words "A DECREE OF THE UNITED STATES COURT OF APPEALS ENFORCING AN ORDER" for the words "A DECISION AND ORDER."

(c) Notify the said Regional Director in writing within 20 days from the date of the receipt of this Decision what steps the Respondent has taken to comply herewith.¹⁸

Dated at Washington, D. C., Nov. 12, 1965.

DAVID LONDON
Trial Examiner

APPENDIX A

Name and General Counsel's Exhibit Number

Mary Jo Simmons	6(w)
James B. Taylor	6(a)(2)
Jean Bodiford	6(a)(10)
Bobby Aleshire	6(a)(28)
Carrie G. Proctor	6(a)(27)
Clarence J. Jones	6(a)(34)
Robert C. Howell, Jr.	6(a)(35)
John Loftis	6(a)(38)
Walter Lucas	6(a)(39)
Ralph William Mabe	6(a)(41)
A. T. Ragen	6(a)(52)
Brady Rosse	6(a)(56)
David Wayne Williams	6(a)(63)
Robert Pritchard	6(a)(69)
Bobby Lloyd	6(a)(75)
Johnny Gibson	6(a)(78)
George Harold Orr	6(a)(81)
Larry W. Robinson	6(a)(86)
George W. O'Ham	6(a)(90)

¹⁸ If these Recommendations are adopted by the Board, this provision shall be modified to read: "Notify the Regional Director for the Eleventh Region, in writing within 10 days from the date of this Order, what steps the Respondent has taken to comply here-with."

APPENDIX B

Name and General Counsel's Exhibit Number

Haywood Earl Peterson	6(a)
Douglas Ray Beeson	6(b)
Billy Hooker	6(d)
James R. Hutchins	6(e)
Wayne McCall	6(g)
James Morgan	6(h)
James Howard Byrd	6(i)
W. Donald Jacobs	6(j)
Thomas M. Slate	6(l)
Billy Don Brown	6(m)
W. L. Chrisley	6(n)
Jonah C. Gates	6(p)
Norman Smith	6(q)
John LeRoy Jacobs	6(s)
Roy Gilliland	6(t)
Emanuel J. Mashburn	6(u)
Albert J. Taylor	6(v)
William D. Moss	6(x)
Eugene Heaton	6(z)
James Bodiford	6(a)(3)
Dale Jacobs	6(a)(4)
Walter Aleshire	6(a)(5)
Joseph Allen	6(a)(6)
Dwight Barlow	6(a)(8)
Murray Brim	6(a)(11)
Teddy Bullard	6(a)(13)
James R. Carlyle	6(a)(14)
Nathan Carter	6(a)(15)
Helen Causay	6(a)(16)
Lowell T. Caruthers	6(a)(17)
Roger Dale Deece	6(a)(18)
Gurney Heywood Diamond	6(a)(19)
Joe Dills	6(a)(20)
C. J. Edwards	6(a)(21)
Ralph Black	6(a)(22)
Rex Hugh Fitch	6(a)(24)
Bobby Fulp	6(a)(25)

Name and General Counsel's Exhibit Number

Joe Hedrick	6(a) (26)
Walter J. Holder	6(a) (28)
John H. Holmes	6(a) (29)
Jease F. Gibbs	6(a) (30)
Cecil Taylor	6(a) (31)
J. P. Shannahan	6(a) (32)
Richard Walker	6(a) (33)
Howard Thomas Hunt	6(a) (36)
Paul Livingstone	6(a) (37)
Alton B. Maness	6(a) (40)
Edward Earl Laws	6(a) (42)
Custer Franklin Laws	6(a) (43)
Charles Eugene Laws	6(a) (44)
Zeb Laws, Jr.	6(a) (45)
J. E. Mishoe	6(a) (46)
Lloyd D. Mishoe	6(a) (47)
James D. Moncus	6(a) (48)
Carson W. Norris	6(a) (49)
James L. Randall	6(a) (50)
Billy J. Searcy	6(a) (51)
Irvin Reagan	6(a) (53)
Larry Leon Robinson	6(a) (54)
Terry Roberson	6(a) (55)
Douglas J. Shipp	6(a) (57)
Odell Strickland	6(a) (58)
Lonnie Teal	6(a) (59)
Henry Thompson	6(a) (60)
Rosier Watts	6(a) (61)
Rabon Wolford	6(a) (64)
James Richard Smith	6(a) (65)
Charlie Oakley	6(a) (66)
Theron B. Williamson	6(a) (67)
William W. Duggins	6(a) (68)
Raymond Clark	6(a) (70)
Roy Junior Scearce	6(a) (71)
Franklin Small	6(a) (72)
Jimmy Parker	6(a) (73)
Tony Parker	6(a) (74)
Jack Rozier	6(a) (76)

Name and General Counsel's Exhibit Number

Paul Widner	6(a) (77)
John Wesley McCarter	6(a) (79)
Jimmy Monroe	6(a) (83)
Claude Mitchem	6(a) (84)
Floyd Douglas Coe	6(a) (87)
Dan T. Coe	6(a) (88)
Kelly Smith	6(a) (91)
William Ward	6(a) (92)
Thomas Ray Haire	6(a) (93)
Billy Jack Fowler	6(a) (95)
Curtis White	6(a) (96)
Willie Shores	6(a) (97)
James Robinson	6(a) (98)
Charles Robinson	6(a) (99)
Gordon Shuffler	6(a) (100)
John Lee Swaney	6(a) (101)
Frank Swink	6(a) (102)
Lenora Bryant	6(a) (104)
Lynch Whitmire	6(a) (105)
Elmer Cornett	6(a) (106)
William Billings	6(a) (107)

APPENDIX C

Name and General Counsel's Exhibit Number

Curtis Benson	6(a) (89)
Wilma Bryant	6(a) (12)
Jerry L. Furr	6(a) (103)
James A. Benson	6(a) (9)
H. C. McMurray	6(c)
Samuel Snow	6(k)

APPENDIX D
NOTICE TO ALL EMPLOYEES
PURSUANT TO

*The Recommendations of a Trial Examiner of the
NATIONAL LABOR RELATIONS BOARD
and in order to effectuate the policies of the
NATIONAL LABOR RELATIONS ACT
we hereby notify our employees that:*

WE WILL upon request, bargain with UPHOLSTERS' INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO, as the exclusive representative of our production and maintenance employees.

WE WILL NOT interrogate our employees as to their union membership or activity in a manner violative of Section 8(a)(1) of the Act.

WE WILL NOT threaten our employees with economic reprisals for union activity or for designating the above-named union as their collective-bargaining representative.

WE WILL NOT in any other manner interfere with, restrain, or coerce our employees in the exercise of their right to join or assist a union, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for mutual aid or protection.

**GENERAL STEEL PRODUCTS, INC., AND
CROWN FLEX OF NORTH CAROLINA, INC.**

(Employer)

Dated _____

By _____
(Representative) (Title)

This notice must remain posted for 60 consecutive days from the date of posting, and must not be altered, defaced, or covered by any other material.

If employees have any question concerning this notice or compliance with its provisions, they may communicate with the Board's Regional Office, 1831 Nisson Building, 310 West Fourth Street, Winston-Salem, North Carolina 27101 (Tel. No. 723-2302).

GENERAL COUNSEL EXHIBIT 1-(V)-1

PETITION FOR ELECTION

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

Case No. 11-RC-2022

Date Filed 8-14-64

PETITION

The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority:

1. Purpose of this Petition—RC—Certification of Representatives (Individual, Group, Labor Organization).—A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner, and Petitioner desires to be certified as representative of the employees for purposes of collective bargaining, pursuant to section 9 (a) and (c) of the act.

2. Name of Employer—General Steel Products, Inc.
Employer Representative to contact—Mr. Frank D. Hoffman, Jr.

Phone No.—883-9101.

3. Address (E) of Establishment(s) involved—Blawood Circle, Box 429.

4a. Type of Establishment—Factory, High Point, N. C.

4b. Identify Principal Product or Service—Furniture Accessories.

5. Description of Unit Involved—Included: All production and maintenance employees employed at the Employers factory at High Point, N. C. Excluded: Office clerical employees, guards, professional employees and supervisors as defined in the Act.

6a. Number of Employees in Unit—200.

6b. Is this Petition supported by 30% or more of the employees in the Unit?—Yes.

7a. Request for recognition as Bargaining Representative was made on August 14, 1964 and Employer declined recognition on or about—no response.

• • • •
8. Recognized or Certified Bargaining Agent—None.
• • • •

I declare that I have read the above petition and that the statements therein are true to the best of my knowledge and belief.

Upholsterers' International Union
of North America, AFL-CIO

/s/ NAPOLEON BROWN
International Representative
Box 509½ South Main Street
High Point, N. C.
Phone 882-4216

GENERAL COUNSEL EXHIBIT 1-(W)-1

UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD

Case No. 11-RC-2022

GENERAL STEEL PRODUCTS, INC. AND CROWN FLEX OF
NORTH CAROLINA, INC.,¹ EMPLOYER

and

UPHOLSTERERS INTERNATIONAL UNION OF
NORTH AMERICA, AFL-CIO, PETITIONER

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before a

¹ The title of the Employer has been corrected to conform with the finding herein that both corporations constitute a single employer within the meaning of Section 2(2) of the Act.

hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this case to the undersigned Regional Director.

Upon the entire record in this case, the Regional Director finds:

1. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.*
2. The labor organization involved claim(s) to represent certain employees of the Employer.
3. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
4. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:[†]

* The Employer, opposing the unit comprising employees of both companies, argues that the Board cannot, as a matter of jurisdiction, enter an order affecting employees of Crown Flex of North Carolina, Inc., since there has been no demand for representation made on such company and no showing in the record that Crown Flex is engaged in commerce within the meaning of the Act. It has been found herein (see below) that both corporations constitute a single employer. The Board has held that where, as here, the Employer is engaged in diversified operations, it will consider the totality of operations to determine whether any portion thereof meets the Board's standards for asserting jurisdiction. *Carol Management Corporation*, 183 NLRB 1126. It is stipulated that General Steel Products, Inc. is a nonretail enterprise which annually ships finished products across state lines valued in excess of \$50,000 and that Crown Flex of North Carolina, Inc. is also engaged in the shipment of manufactured products across state lines in undetermined, but presumably substantial, amounts to the furniture and automotive industries. It is found that the Employer is engaged in commerce within the meaning of Section 2(6) of the Act, and that it will effectuate the policies of the Act to assert jurisdiction herein. *Siemons Mailing Service*, 122 NLRB 81, 85.

†(a) The petition seeks a unit of the production and maintenance employees, estimated at about 200, of General Steel Products, Inc. (herein called General Steel) at its High Point, North Carolina,

All production and maintenance employees at the Employer's High Point, North Carolina, plant, excluding office clerical employees, professional employees, guards and supervisors as defined in the Act.

plant. At the hearing it developed that approximately 55-60 of these employees are employed by another corporation, Crown Flex of North Carolina, Inc. (herein called Crown Flex) which is also engaged in manufacturing operations within the same plant premises. General Steel manufactures, for the furniture industry, metal components of dual-purpose furniture, such as hide-a-bed constructions, sofa bed hinges and reclining chair fixtures. Crown Flex makes insulator pads used with various types of springs to prevent filler material from sagging into springs; it sells to both the automobile and furniture industries; shipments for the automotive industry are to assembly plants in Georgia, Virginia and Texas, and for the furniture industry to plants in North Carolina, South Carolina and Virginia. The two corporations have a common president and executive vice-president. The latter, testifying for the Employer at the hearing, was unfamiliar with other levels of the corporate structures of the two companies. At the High Point plant there are separate plant managers and superintendents in charge of operations of the two corporations. There is a single comptroller for both companies and a single office force under a common office manager, who perform clerical services for both companies. Screening of applicants and hiring for both companies is performed by a common personnel officer. Purchasing for both companies is made by a single purchasing agent (although some purchases for Crown Flex are made otherwise). The two companies generally use the same sales personnel for both lines (although some salesmen carry only the Crown Flex line). There is a shipping clerk for Crown Flex who prepares bills of lading and makes shipping arrangements for its products; he is assisted by employees of General Steel in handling Crown Flex shipments. General Steel's products are shipped in its own trucks; the products of Crown Flex, which are smaller in bulk, are generally sent by common carrier; but Crown Flex has used General Steel trucks and drivers for its shipments. There is, otherwise, no interchange of employees between the two companies, but employees of both companies use common lunch room, rest room and other facilities at the plant. Foremen of both companies attend the same supervisory meetings. The record shows that both corporations have the same president and executive vice-president; they occupy the same plant and there is common control over labor relations through a single personnel officer; the two companies share common clerical, purchasing, sales and shipping facilities and services. I find, in the circumstances, that both companies constitute a single employer for purposes of collective bargaining and that a single unit of em-

DIRECTION OF ELECTION

An election by secret ballot will be conducted by the undersigned Regional Director among the employees in the unit found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period and employees engaged in a strike who have been discharged for cause since the commencement thereof, and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether (or not) they desire to be represented for collective-bargaining purposes by Upholsterers International Union of North America, AFL-CIO.

Dated October 6, 1964 at Winston-Salem, N. C.

/s/ REED JOHNSON
Regional Director for the
Eleventh Region

ployees of both companies is appropriate. The Employer's motion to dismiss the petition is denied. See *Jones Sausage Company*, 118 NLRB 1403, 1408; enforced 257 F. 2nd 878 (CA4), 42 LRRM 2467.

(b) The parties are otherwise in agreement as to the composition of the unit. By stipulation at the hearing they agreed to exclusions of various categories of managerial, sales, clerical and supervisory personnel.

GENERAL COUNSEL EXHIBIT 1-(X)-1

REQUEST FOR REVIEW

The employer, General Steel Products, Inc. requests that the National Labor Relations Board review the Decision and Direction of Election issued October 6, 1964, by the Regional Director for the Eleventh Region.

This proceeding began with a Petition by the union for certification as representative of the production and maintenance employees of General Steel Products, Inc., employed at its factory in High Point, North Carolina. At the representation hearing it was brought out for the first time that another corporation by the name of Crown Flex of North Carolina, Inc. also operates in the same building which houses General Steel Products, Inc. The union thereupon declared that it wished to represent employees of both corporations.

The Regional Director's Decision has now purported to "correct the title" to the proceeding by adding Crown Flex of North Carolina, Inc. as an employer and to direct an election among the employees of both corporations, treating them as a single employer for purposes of the Act.

This has been done *without any petition* having been filed with respect to Crown Flex of North Carolina, Inc. *without any demand for recognition* ever having been directed to Crown Flex and *without any bearing ever having been held upon due notice* to Crown Flex of North Carolina, Inc. In so doing the Regional Director exceeded his authority under Board Rule 101.17 and exceeded the jurisdiction of the Board under Section 9 (c) of the Act.

It is no answer to say as the Regional Director has said in this Decision that the two corporations may be treated as one employer for the purposes of Sec. 2 (2) of the Act. Doubtless this is a determination which can be made in a proper case, but it cannot be made without due notice to the parties concerned and an opportunity to be heard.

The case of *Jones Sausage Company* and *Jones Abattoir Company*, 118 NLRB 1403; enforced 257 F. 2nd. 878 (CA4), 42 LRRM 2467, is no authority for what has been done here. In the *Jones* case there was no challenge to the jurisdiction or procedural due process under which both corporations had been made parties to the proceeding.

Similarly in *Boire v. Greyhound Corporation*, 84 S. Ct. 894, 55 LRRM 2694 (1964) both Greyhound and Floors, Inc. had been designated as employers in an amended petition before the Board. In the present case Crown Flex has never been properly made a party, has never had notice, and has never been given a hearing. The fact that a witness has testified who holds an executive position in both corporations does not cure this defect. He came to the hearing and testified in the interest of General Steel Products, Inc. and with no advance notice that the other corporation would be drawn into the matter and no opportunity to prepare or to consult counsel in its behalf.

Whatever might be the merit of the Regional Director's holding upon a proper record and with proper parties before him, there has been no such record made, nor have the proper parties been joined. Although these corporations share certain facilities (and control at the executive level only), there is not and cannot be any doubt that they are operated as separate legal entities. Below the executive level, the management and supervision of both corporations is kept entirely separate. The two corporations have the same President, who is in Chicago. (R. p. 42-3) Mr. Frank Hoffman, the Executive Vice-President, stationed at High Point, occupies that position in both corporations. (R. p. 14) Below the level of Executive Vice-President, there is no supervisor who holds a position in both corporations and no employee within the proposed unit who is employed by both corporations, and no interchange of employees. (R. p. 16, 43, 45, 18-46) The products manufactured by the two corporations are different (R. p. 14) and they occupy separate space (R. p. 43) although within the same building. (Crown Flex rents from General Steel Products, Inc.) They share shipping facilities, but they have separate shipping personnel. On rare occasions Crown Flex goods may be shipped in a General Steel truck, but ordinarily they go separately by common carrier. (R. p. 41) Mr. Hoffman, the Executive Vice-President, who is the lowest echelon of management holding a position in both corporations, does not have anything to do with handling personnel policy of Crown Flex of North Carolina, Inc. (R. p. 42) He is a director on the

executive level only, looking after sales and that sort of thing, and Crown Flex has an active manager of its own who has nothing to do with General Steel Products, Inc. (B. p. 43).

We submit that Crown Flex of North Carolina, Inc. has never been properly made a party to this proceeding or given an opportunity to be heard and that the Board has no jurisdiction over it and the Regional Director had no authority to enter any order affecting its employees or grouping the employees of General Steel Products, Inc. with those of any other employer not a party to the proceeding. We submit that, on this record, the employees of the two corporations should not appropriately be grouped together, and in no event can such a decision be made without a new hearing at which Crown Flex is properly joined as a party and given a chance to be heard.

This 13th day of October, 1964.

/s/ ROBERT M. MARTIN
Robert M. Martin
of Martin, Whitley and Washington
North Carolina National
Bank Building
High Point, North Carolina

/s/ LEWIS P. HAMLIN, JR.
Lewis P. Hamlin, Jr.
of Kluttz and Hamlin
131 North Main Street
Salisbury, North Carolina

Attorneys for Employer

GENERAL COUNSEL EXHIBIT 1-(Y)-1

WESTERN UNION

558P Est Oct 28 64 RA375
R RGA429 Govt Pd-Tdrg Pus Washington DC 28 547P Est
Reed Johnson Dir NLRB
Winston Salem NCar

Re: General Steel Products, Inc. and Crown Flex of North Carolina, Inc. 11-RC-2022. It is hereby ordered that the Employers request for review of the Regional Directors decision and direction of election be, and it hereby is, denied as it raises no substantial issues warranting review. By direction of the Board:

George A. Leet, Assoc. Exec. Secy.
11-RC-2022
#0.

GENERAL COUNSEL EXHIBIT 2

August 13, 1964

Mr. Frank H. Hoffman, Jr.
President
General Steel Products, Inc.
P. O. Box 429
High Point, N. C.

Dear Sir:

Please be advised that a majority of your employees of the High Point, N. C. plant have signed written authorizations designating Upholsterers International Union of North America, AFL-CIO, as their collective bargaining Agent for the purpose of representing them on all matters pertaining to wages, hours of work and other conditions of employment.

We are herein requesting voluntary recognition as such collective bargaining Agent and further requesting a meeting with representatives of your Company for the purpose of negotiating a collective bargaining agreement containing conditions of wages, hours of work and other conditions of employment.

Please notify the undersigned of the date, time and place representatives of the Union may meet and confer with representatives of your Company for the purpose as stated above.

Yours very truly,

D. H. WOODALL, *District Director*
Upholsterers' International Union

CC.

National Labor Relations Board
Winston-Salem, N. C.
UIU District Office
Charlotte, N. C.

TRIAL EXAMINER'S EXHIBIT 1

Petition to Intervene

IN RE: TROY McGHEE an EMPLOYEE of GENERAL STEEL PRODUCTS, Inc., and other UNDISCLOSED EMPLOYEES of said Corporation whose names are hereto attached in a sealed envelope.

Now come the aforesaid employees of GENERAL STEEL PRODUCTS, Inc., through their Counsel, SCHOCH, SCHOCH and SCHOCH, ARCH K. SCHOCH, Sr., appearing, and respectfully move that they be permitted to intervene in this matter, and as cause therefor they do individually show:

1

Prior to the union election, each of them was contacted by representatives of The UPHOLSTERERS' INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO, with the request that they sign a card authorizing said UNION to represent them.

2

Each of said employees was informed by said representatives that the fact that they signed this card never would be disclosed; and said representatives referred to said card as "secret cards" in order to secure their signatures.

3

Each of said employees now understands that The UPHOLSTERERS' INTERNATIONAL UNION of NORTH AMERICA AFL-CIO intends to make a disclosure of their signatures to said cards; and each and every one of them petitions and prays that such cards be suppressed as having been procured on said UNION'S pledge that such disclosure never would be made. Each of said employees alleges that a disclosure of his name as signed to said "secret cards" would be an invasion of their privacy and a disclosure of confidential information.

Each of said employees, after signing said "secret cards" gave consideration to the advantages and disadvantages of joining the union and each determined for himself that he wanted no part of said UNION. Each of them at the election voted against said UNION and each will continue so to vote.

Employee TROY McGHEE states that when he signed the so-called "secret card" he did so only because he was informed by the UNION representatives that all of the other employees in his department had signed such cards; that the UNION was certainly going to win the election; that they had signatures from almost ninety per cent of all of the employees of the entire company and that if the UNION did win the election and he had not signed the card, there would be no job for him at GENERAL STEEL PRODUCTS, Inc.

Wherefore these employees, and each of them, pray that:

- 1) They and each of them be permitted to intervene in this matter;
- 2) The secret cards which they signed be suppressed and not be permitted to be offered in evidence as such would constitute a violation of their privacy, and a disclosure of confidential information;
- 3) That the UPHOLSTERERS' INTERNATIONAL UNION of NORTH AMERICA, AFL-CIO be directed not to use the "secret cards" signed by these employees in any manner whatever; and,
- 4) That the subpoena directing them to appear be quashed, for that the only purpose of said subpoena is to force the revelation of information given in confidence.

Respectfully submitted,

SCHOCH, SCHOCH and SCHOCH

By: ARCH K. SCHOCH (SR.)

Attorneys for Intervening Employees

LIST of UNDISCLOSED EMPLOYEES of GENERAL
STEEL PRODUCTS, Inc., ATTACHED to
PETITION to INTERVENE

Billy Hooker
Toby Cunningham
Theron Williams
Roshier C. Watts
Carson W. Norris

Robert Howell
James R. Carlyle
Henry Thompson
Zeb Laws

TRIAL EXAMINER'S EXHIBIT 2

Upholsterers' International Union of North America.

August 13, 1964

To All Employees of
General Steel Products
High Point, North Carolina

Dear Friends:

Your Petition for a Secret Ballot Election has been filed. Your Secret Cards have been turned over to the Federal Government and we will soon be notified as to the Agent the Labor Board will assign to your case.

Remember, too, that we have filed Official Charges with the U.S. Government against your Boss because he discharged 1 of your fellow workers. We'll keep you posted on the progress of this case.

During the next few weeks while you are awaiting your Secret Vote Election, you can expect the Boss to use many tricks in an attempt to stop you from forming a strong Local Union at General Steel Products.

In order for you to know what to expect from the Boss, we're sending you the enclosed booklet which spells out the usual tricks a Boss will use against workers. Study this booklet very carefully.

If the Boss starts using any of these tricks, we'll appreciate it if you'll let us know right away so that we can report it to an Agent of the Federal Government.

Remember, the Federal Government protects your right to form a Union and the Federal Government backs up your right to bargain for improvements in wages, hours, and working conditions.

Now the term "Wages, Hours, and Working conditions" covers a lot of ground, including holidays, coffee breaks, vacations, bonuses, life and health group insurance, pensions, lunch periods, etc.

Now, when the Federal Law states that you have a right to bargain with the Boss on these matters, it means that any and all changes in wages, hours, and working conditions have to be discussed with the Union (you) by the Company—even where there is no contract in effect.

So you can easily see why certain companies do not want their employees to organize a Union. But, the U.S. Supreme Court ruled long ago that since companies have the right to organize into corporations and associations, employees shall also have the right to join together for their own mutual aid and protection . . . without interference from the Boss or anyone else.

This federal law simply means that you will not only have an equal voice in setting up your wages, hours, and working conditions, the law also says that it will be unlawful for the Boss to make any spiteful changes because his workers decide to form a union.

Your signed, secret card and your "X" Yes on a Government Secret Ballot is your democratic way of saying to the Boss that you want an EQUAL VOICE in everything that affects your wages, hours, and the many conditions under which you work.

We congratulate each and every one of you on the wise decision you have made. A very great majority of General Steel Products employees have now authorized the Upholsterers' Union as their bargaining agent.

An overwhelming majority has already signed Secret Authorization Cards. An overwhelming majority vote "YES" on election day means you should be on the road to higher pay, better working conditions protected by federal law under a good union contract. Keep up the good work..

Fraternally yours,

TED DAVIS, UIU Rep.

GEORGE KISER, AFL-CIO Rep.

NAPOLEAN BROWN, UIU Rep.

SUBPENA DUCES TECUM**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**

To Hon. Reed Johnston, Regional Director of the Eleventh Regional Office of the National Labor Relations Board, or his Acting Regional Director in his absence

Request therefor having been duly made by Robert M. Martin, Esq. and Lewis P. Hamlin, Jr., Attorneys, whose address is N. C. National Bank Bldg., High Point, North Carolina. You are hereby required and directed to appear before David London, Trial Examiner of the National Labor Relations Board, at Hearing Room, City and County Building, in the City of High Point, North Carolina on the 15th day of June, 1965, at 9 o'clock a.m. of that day, to testify in the Matter of General Steel Products, Inc. and Crown Flex of North Carolina, Inc. and Upholsterers' International Union of North America, AFL-CIO Cases Nos. 11-CA-2491, 11-RC-2022, 11-CA-2613.

And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence, and documents:

All Union authorization cards deposited with the Regional Director by Upholsterers' International Union of North America, AFL-CIO on or about August 14, 1964, in connection with Petition for Election in the above entitled case.

In testimony whereof, the seal of the National Labor Relations Board is affixed hereto, and the undersigned, a member of said National Labor Relations Board, has hereunto set his hand and authorized the issuance thereof.

Issued at Washington, D. C. this 10th day of June, 1965.

/s/ JOHN H. FANNING

Service accepted June 14, 1965 at 9:24 a.m.

B-55676

CHARLES M. WILLIAMSON
Attorney, NLRB

GENERAL COUNSEL EXHIBIT 10

STATE OF NORTH CAROLINA)
GUILFORD COUNTY)

AFFIDAVIT

I James H. Benson of 502 Wets Ray St., High Point, N. C. being duly sworn do hereby depose and state:

I was employed at General Steel Products, Inc. and Crown Flex of North Carolina, Inc. on August 14, 1964, when the Union petitioned for an election. My job was Punch Press Operator.

The Board Agent has shown me an authorization card of the Upholsterers' International Union of North America, AFL-CIO, which I signed on August 5, 1964 of my own free will. I was not told that I was signing the card just so the Union could have an election.

I have read this statement of one (1) page and swear it is true to the best of my knowledge and belief. I have been sworn.

/s/ JAMES H. BENSON

Sworn to and subscribed to before me this 4 day of May, 1965.

/s/ CHARLES M. WILLIAMSON
Attorney, N.L.R.B.

GENERAL COUNSEL EXHIBIT 6(z)1

UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
Eleventh Region

Case No. 11-RC-2022

GENERAL STEEL PRODUCTS, INC. AND CROWN FLEX OF
NORTH CAROLINA, INC. EMPLOYER

and

UPHOLSTERERS' INTERNATIONAL UNION OF NORTH
AMERICA, AFL-CIO, PETITIONER

SUPPLEMENTAL DECISION AND DIRECTION

Pursuant to a Decision and Direction of Election issued by the Regional Director of the Eleventh Region on October 6,¹ an election by secret ballot was held among certain employees of the Employer,² under the supervision of the undersigned Regional Director on November 6, with the following results:

Appropriate number of eligible voters	207
Void ballots	0
Votes cast for Petitioner	83
Votes cast against participating labor organization	94
Valid votes counted	177
Challenged ballots	13
Valid votes counted plus challenged ballots	190

Copies of the Tally of Ballots were duly served on the authorized representatives of the parties.

¹ Unless otherwise indicated, all dates are 1964.

² The unit found to be appropriate is: "All production and maintenance employees, at the Employer's High Point, North Carolina, plant, excluding office clerical employees, professional employees, guards and supervisors as defined in the Act."

Challenges were sufficient in number to be determinative.

On November 10, the Petitioner filed timely objections to conduct affecting the results of the election. A copy of the objections was duly served on the Employer.

The text of the objections is as follows:

"1. The Employer, on the day of the election and during the election had its foremen campaign against the Union.

"2. The Employer gave out wage increases and other promises of benefit to its employees, including 5 paid holidays, after the petition was filed.

"3. The Employer inserted the race issue into the campaign in a letter to the employees and in speeches made to the employees on November 3 and 5, prejudicing the Union in the election.

"4. On or about the day of the election, threats of discharge or other reprisals if the employees voted for the Union or engaged in union activity were made to the employees by the Employer.

"5. The Employer, prior to the election, posted inflammatory, misleading, and untruthful, statements about the Union in conspicuous places in the plant.

"6. The Employer, in a speech to the employees, indicated that it would not sign a contract with the Union, and that all struck employees would be finished at the Company.

"7. The Employer sent several letters to its employees informing them that they stood to lose if the Union came in the plant. These letters also contained other inflammatory and prejudicial statements.

"8. The Employer allowed its employees to have and partake of intoxicating beverages on the day of the election in order to influence them to vote against the Union.

"9. The Employer did not present the eligibility list to the Union until such a late hour that it did not have adequate time for its inspections, even though the scheduled presentation was at a much earlier time.

"10. The Employer placed the names of two supervisors on the eligibility list in order to place them in the voting area during the election to influence the choice of the voters."

Pursuant to the provisions of Section 102.69 of the Board's Rules and Regulations, Series 8 as amended, an investigation of the issues raised by the objections has been conducted under the direction and supervision of the undersigned, who having afforded the parties full opportunity to submit and present evidence bearing on the issues and having carefully considered the results of the investigation, makes the following decision:

OBJECTIONS 4, 6, AND OTHER ACTS AND CONDUCT:

Petitioner witnesses supplied evidence that the Employer, by its following-named supervisors and/or agents, on or about the dates set opposite their respective names, engaged in the following acts and conduct:

(a) Interrogated employees concerning their union activities and sympathies:

James Rigsbee—November 6;

Tommy Parish—August 20 and November 3;

Richard Davis—November 6 and other dates.

(b) Threatened employees with changed working conditions if the Union was voted in:

James Rigsbee—August 19.

(c) Threatened employees with discharge because of their union activity:

Bobby Sparks—August 17;

Frank D. Hoffman, Jr.—November 5;

Richard Dayis—November 6.

(d) Made speeches to employees which conveyed to them the message that a union victory would be futile because it would only result in extended negotiations followed by a strike and loss of jobs:

Frank D. Hoffman, Jr.—November 5.

(e) Told the employees that if the Union won the election other employers would not hire employees who worked for the Employer:

* Considered herein are only those incidents which occurred between August 14 (the filing date of the petition) and November 6 (the date of the hearing). The Ideal Electric and Manufacturing Company, 134 N.L.R.B. No. 15.

Robert Simpson—September 30;
Frank D. Hoffman, Jr.—November 5.

(f) Told employees to vote the Union out because it would do them more harm than good:

Tommy Parish—November 6.

OBJECTION 5:

The evidence is undisputed that during the critical period, August 14, to November 6, inclusive, the Employer posted copies of a notice* on bulletin boards throughout the plant.

The Board, in a number of instances,* has found that the posting and/or distribution of a notice containing substantially similar language, especially when such notice is viewed in the context of other Section 8(a)(1) violations, is a violation of the Act. As the evidence adduced during the investigation, if credited, constitutes a violation of Section 8(a)(1), the trial examiner is directed to consider the effects, if any, of the posting of the aforementioned notice in conjunction with his findings on the other objections.

THE CHALLENGES

The Petitioner challenged the ballots of *Raymond Lee Clark, Lester Hawks, Charles Pack, Robert Pritchard, Lola Vanover and Kenneth Von Cannon* on the ground that they were hired after the payroll eligibility date and *Wayne Farrington and Jerry Furr* on the ground that they were supervisors. The Board agent challenged the ballots of *Victor Allen, Sharon Ettinger, Floyd Harris, Walter J. Holder and Arnold Laws* because their names did not appear on the eligibility list.

As noted in Objection 10, above, Allen, was a supervisor until October 26, and Farrington was a supervisor on the date of the election. As Allen was not in the unit on the payroll eligibility date and as Farrington was not in

* The text of the notice is attached hereto as Appendix C.

* *White Oak Acres, Inc., 184 NLRB 1145; Morris & Associates, Inc., 188 NLRB 1160.*

the unit on the date of the election the challenges to their ballots are sustained.¹⁸

Having sustained the challenges to the ballots of Allen and Farrington, the undersigned deems it unnecessary to make further findings as the remaining challenges are not determinative.

CONCLUSIONS AND DIRECTION

The challenges to the ballots of Victor Allen and Wayne Farrington are sustained.

Objections 2, 3, 7 and 10 are overruled.

The evidence relating to Objections 1, 4, 6, including *Other Acts and Conduct*, 8, and 9 is in conflict and thus involves questions of credibility as to substantial and material issues. Accordingly,

IT IS HEREBY DIRECTED that a hearing be held to resolve the issues raised by Objections 1, 4, 6, including *Other Acts and Conduct*, 8 and 9. As the undersigned has issued a Complaint and Amendment to Complaint in Case No. 11-CA-2491, involving the same parties, and as the allegations in the Complaint and Amendment to Complaint will also relate to a number of issues raised herein an order will issue consolidating these cases for hearing. Such hearing will be held before a trial examiner to be designated by the Chief Trial Examiner.

IT IS FURTHER DIRECTED that the trial examiner consider the impact of Objections 1, 8 and 9 and 5, if any, in conjunction with his findings on the other objections.

Dated at Winston-Salem, North Carolina this 23rd day of December 1964.

/s/ REED JOHNSTON

Reed Johnston, Regional Director
National Labor Relations Board
Eleventh Region
1831 Nissen Building
Winston-Salem, North Carolina

¹⁸ *Miller & Miller, Inc.*, 106 NLRB 1228, 1229; *National Container Corporation of Wisconsin*, 99 NLRB 1492, 1495.

APPENDIX C

TO ALL EMPLOYEES

Because of the campaigns which the union is putting on to get into the plant, several questions have come up on which you will want to know how the Company stands. We have decided to state the Company's position clearly for the benefit of everyone.

(1) This is a matter of concern to the Company, of course, and it is also a matter of serious concern to you. It is our firm belief that if this union were to get into this Company it would not benefit you but would work to your serious harm.

(2) It is our positive intention to oppose the union and by every proper means to prevent it from coming here.

(3) We would like to make it clear that it is not necessary, and it is not ever going to be necessary, for anybody to belong to any union in order to work for this plant.

(4) People who might join or belong to a union will not get any advantages or any preferred treatment of any sort over those who do not join or belong to any union.

(5) If anybody causes you any trouble at your work or puts you under any sort of pressure to join the union, you should let the company know, and we will undertake to see that this is stopped.

(6) No person will be allowed to carry on union organizing activities during working time or distribute union literature in working areas. Anybody who does so and who thereby neglects his own work or interferes with the work of others will be subject to discharge.

Anybody who tells you something contrary to the above is not telling you the truth.

GENERAL STEEL PRODUCTS, INC.

GENERAL COUNSEL EXHIBIT 6(a)

Upholsterers' International Union of North America
AFL-CIO

I do hereby designate and authorize the Upholsterers' International Union of North America, AFL-CIO, and its representatives to act as my representative for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment.

HEYWOOD PETERSON 7-16-64

Signed _____

Name _____ Date _____

Rt. 4 Thomasville, N. C.

Address _____ City _____ State _____

General Steel
Company _____ Plant _____ Department _____ Job _____

PROCEEDINGS

BEFORE THE
NATIONAL LABOR RELATIONS BOARD
Eleventh Region

Case Nos. 11-CA-2491, 11-CA-2613, 11-RC-2022

In the Matter of:

GENERAL STEEL PRODUCTS, INC., AND
CROWN FLEX OF NORTH CAROLINA, INC.

and

UPHOLSTERERS' INTERNATIONAL UNION OF
NORTH AMERICA, AFL-CIORoom 200, Second Floor, City-County Building,
High Point, North Carolina, Monday, May 24, 1965The above-entitled matter came on for hearing, pursuant
to notice, at 10:00 o'clock a.m.

BEFORE:

DAVID LONDON, Esq., *Trial Examiner*

APPEARANCES:

YELVERTON COWHERD, JR., Esq.
1831 Nissen Building,
Winston-Salem, North Carolina,
appearing as Counsel for General Counsel.CHARLES M. WILLIAMSON, Esq.
1831 Nissen Building,
Winston-Salem, North Carolina,
appearing as Counsel for General CounselROBERT L. MARTIN, Esq.
Martin, Whitley, and Washington,
Post Office Box 569,
High Point, North Carolina,
appearing on behalf of General Steel Products, Inc.,
and Crown Flex of North Carolina, Inc.

LEWIS P. HAMLIN, Esq.
Kluttz and Hamlin,
131 North Main Street,
Salisbury, North Carolina,
appearing on behalf of General Steel Products, Inc.,
and Crown Flex of North Carolina, Inc.

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ployees.

[fol. 3]

PROCEEDINGS

* * *

[fol. 7] MR. COWHERD: Do you desire an opening statement?

TRIAL EXAMINER: Yes, I think I would like an opening statement from you at this time.

MR. COWHERD: I will make it as brief as possible. It is the contention of General Counsel that the case law precedent in this case would be the Bernel Foam Joy Silk Mills type. This campaign began by the Upholsterers' International Union, AFL-CIO approximately April, 1964. They filed a petition on August 14, 1964, and it is contention of General Counsel that at that time and shortly before that the Respondent in the case began a series of unfair labor practices, which will be brought out later; and the original charge in the "C" case was filed on July 29, and has been successively amended until a complaint was issued in October, 1964.

[fol. 8] During the course of the "C" case, the Regional Director issued his decision and direction of election on October 6, 1964. The basic issue there was the issue of whether or not there was an appropriate, and whether or not there was an issue of single employer.

The Respondent's counsel requested a review of that decision. The Board rendered a denial of that request on October 28; and I might add at this point that the General Counsel anticipates that Respondent will attempt to relitigate the single employer issue, and I will state for the record now that our position will be that the issue was fully litigated in the "R" case proceedings, and we stand on the record as presented there, and we would oppose any introduction of new evidence unless it is completely and fully, newly-discovered evidence.

The election was held on November 6, 1964. The union lost it; as a matter of record in the formal papers, the result was 94-83, with 13 challenged ballots; two of which have been resolved.

Upon the completion of the election, the Union filed timely objections, and subsequent to that by a few days, they filed a charge of refusal to bargain under the *Joy Silk Mills, Bernel Foam theory*.

[fol. 9] MR. HAMLIN: I would say this, the single employer issue, to which he refers, we say was not litigated in the "R" case as far as Crown Flex is concerned because Crown Flex was never given a notice, and an opportunity to be heard. The Eleventh Regional Office simply amended the title of the proceedings after hearing nobody but the General Steel witnesses as to the relationship between the parties.

[fol. 11] MR. HAMLIN: There was never *any* petition filed for Crown Flex.

TRIAL EXAMINER: This is the only petition that was filed in the "R" case, 1-V-1?

MR. COWHERD: That is correct.

TRIAL EXAMINER: It appears, rightly or wrongly, it appears on the record that the Regional Director did pass on this question. He makes a finding.

[fol. 25] HAYWOOD EARL PETERSON

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your name and address and speak up loud, please.

THE WITNESS: Haywood Earl Peterson, Clinton, Route 4.

DIRECT EXAMINATION

Q (By Mr. Cowherd) What is your address? A Clinton, Route 4.

Q Have you ever worked for General Steel Products, Inc. in High Point? A Yes, sir.

Q Are you now working there? A No, sir.

Q Did you work there during the year 1964? A Yes, sir.

Q When did you leave the company? A About Christmas.

Q Around Christmas of 1964? A Yes, sir.

Q Mr. Peterson, I show you General Counsel's Exhibit marked for identification Number 6(a) being an authorization card of the Upholsterers' International Union of North America, AFL-CIO, and ask you,—

[fol. 26] MR. HAMLIN: I object to his characterizing the card as the witness can tell what it is.

TRIAL EXAMINER: Yes.

(The document above-referred to was marked General Counsel's Exhibit Number 6(a) for identification.)

Q (By Mr. Cowherd) Mr. Peterson, I show you General Counsel's Exhibit 6(a) and ask you is that your signature on that card. A Yes, sir.

[fol. 28] TRIAL EXAMINER: When did you go to work for this company?

THE WITNESS: In July, I think.

TRIAL EXAMINER: 1964?

THE WITNESS: Yes. That was the last time.

TRIAL EXAMINER: Have you got any idea how long after you went back to work that you signed that card?

THE WITNESS: About three weeks.

TRIAL EXAMINER: After you went to work?

THE WITNESS: Yes.

Q (By Mr. Cowherd) Now, Mr. Peterson, what department did you work in? A I worked in Johnson Hinge, Jim Riggsbee.

Q And who was your foreman? A Jim Riggsbee.

Q Now, Mr. Peterson, at any time while you were employed there, did any foreman or supervisor talk to you about union matters? A Yes, sir, Jim Riggsbee came out of the office one morning around 10:30 or 11:00 o'clock, and said that he had just come from the office, and he said Frank said the union was coming in and they were going to put ten new machines on the line; he said that Nellie, he was talking to Nellie, and he called four or five of us fellows over and asked—

[fol. 31] Q (By Mr. Cowherd) Now Mr. Peterson, if you would, please, sir, would you recite to the Trial Examiner what Mr. Riggsbee told you on that morning.

[fol. 32] A (continuing) It was between 10:30 and 11:00 o'clock on Wednesday morning, Jim Riggsbee come out of the office, and come out on the line and was talking to one of the girls, Nellie; and he called four or five of us fellows over and told us that he had just come from the office, and Frank said that the union was coming in, and if it did come in, that a nigger would be the head of it, and he was putting in ten new machines on that line, and that if the union did come in, the niggers would be operators of them.

Q (By Mr. Cowherd) Now is that all that was said?

A That's all I can remember of it.

Q Now you are certain of the conversation? A Yes, sir.

Q But you are not sure of the date? A No, sir.

Q Did you give an affidavit to a Board agent? A Yes, sir.

Q I show you this. Is this your signature? A Yes, sir.

Q Is this the affidavit you gave to the Board agent? A Yes, sir.

[fol. 33] Q (By Mr. Cowherd) I want you to listen to me as I read from your affidavit, and tell me if this brings your memory back on the date. On or about Wednesday morning, August 19, sometime between 10:30 and 11:00 o'clock.

MR. HAMLIN: Pardon me, sir, are you reading from a document which he signed?

MR. COWHERD: I am reading from the typed version of it. I find it a little easier to read.

TRIAL EXAMINER: Well, hand counsel the original.

Q (By Mr. Cowherd) Do you want me to read that again?

TRIAL EXAMINER: Go ahead. Start over again.

Q (By Mr. Cowherd) "On or about Wednesday morning, August 19, sometime between 10:30 and 11:00 o'clock."

MR. COWHERD: The rest is what he has already testified to.

Q (By Mr. Cowherd) Now does that refresh your memory as to the date of the event? A Yes, sir.

Q Now do you recall what date? A Would you read that over again, please?

Q "On or about Wednesday morning, August 19, sometime between 10:30 and 11:00 o'clock." A Yes, sir.

Q Is that a correct statement? A Yes, sir.

[fol. 35] CROSS EXAMINATION

(BY MR. HAMLIN)

[fol. 37] Q Did the people who came to you to ask you to sign this card tell you what it was for? A Yes, sir.

[fol. 38] Q Did they tell you that it was to secure a Labor Board election? A I knew it was for my own benefit.

Q Did they tell you that it would be used to secure a Labor Board election? A No, sir.

Q Did they tell you that if the union won the vote that it would be in and otherwise it would not? A Yes, sir.

Q Did they tell you that you would have a right to vote either way even though you signed the card? A Yes, sir.

Q Did they show you a ballot? A Yes, sir.

Q Did they show you which box was which? A Yes, sir.

Q Did it look like the ballot used in the election? A Which ballot?

Q The one they showed you? A Yes.

Q Showed you that you could vote either way? A Yes, sir.

Q Did they tell you that this card would be kept secret and would never be shown to anybody except the Labor Board in order to get an election? A Yes, sir.

[fol. 39] REDIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Peterson, were you also working in General Steel Products when you signed your card? A All of us combined so far as I know.

TRIAL EXAMINER: I didn't hear you. What did you say?

THE WITNESS: I said all of us combined, supposed to be combined, Johnson Hinge, Crown Flex and all, so far as I know.

Q (By Mr. Cowherd) Were you working inside the General Steel plant at the time you signed your card? A Yes, sir.

Q Now who was your foreman when you signed this union card? A Jim Riggsbee.

Q When you saw this ballot that you testified about, when was this? A When I saw it?

Q Yes. A At the union hall.

Q At the union hall? A Yes, sir.

Q Was it after you signed your union card? A Well.

Q That you saw it? A Yes, sir, it was after I signed my union card.

[fol. 41] DOUGLAS RAY BEESON

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Take the stand and give us your full name and address.

THE WITNESS: 224 Willowood Drive.

DIRECT EXAMINATION

(BY MR. COWHERD) Mr. Beeson, where are you employed? A General Steel Products Company.

Q About how long have you worked there? A About eleven and a half years.

MR. COWHERD: I would like to have this marked for identification.

(The document above-referred to was marked General Counsel's Exhibit No. 6(b) for identification.)

Q (By Mr. Cowherd) Mr. Beeson, I show you General Counsel's Exhibit marked for identification Number 6(b) and ask you if you have seen this document before. A Yes, sir.

Q Is that your signature on that? A Yes, sir.

[fol. 47] Q (By Mr. Cowherd) Mr. Beeson, referring to General Counsel's Exhibit 6(b), does the date on this card represent the approximate date which you signed it? A Yes, sir.

CROSS EXAMINATION**(BY MR. HAMLIN)**

Q. Were you told that by signing this card that you were naming the union to represent you regardless of any election? A. Yes, sir.

[fol. 50] Q. (By Mr. Hamlin). Were you told that this card would be secret and would not be disclosed to anyone except the Labor Board in securing an election?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: I will sustain the objection.

[fol. 51] MR. SCHOCH: Mr. Examiner, I would like at this time on behalf of certain employees of General Steel Products, Inc. to file this petition to intervene in this matter. We have given counsel for the government and counsel for General Steel Products a copy of our petition to intervene, and the basis of this is, Mr. Examiner, that—

TRIAL EXAMINER: Excuse me, have you served the Union with a copy of that?

MR. SCHOCH: No, I have another copy here if the union would like one.

TRIAL EXAMINER: Well, I think that they are entitled to it.

MR. SCHOCH: All right. The purpose of this is this, that certain of these employees whom we represent do not wish to make, do not wish to have their names made public in any proceedings, and they have alleged—

MR. WILLIAMSON: Excuse me, Mr. Examiner, may I interrupt just a moment? Attached to his petition is an envelope labeled "List of Undisclosed Employees of General Steel Products, Inc." attached to the petition to intervene. Now does General Counsel at this time have the right to open this envelope?

MR. SCHOCH: Certainly you have, certainly. In other words, there are certain employees out there who

prior to the election had signed these authorization cards and through me they tell you and through this petition that at the time that they signed these cards they were assured that their names would remain secret; that they would not be disclosed; now they understand and are quite apprehensive of the fact that their names now become public; they claim the right of privacy by virtue of what has been said, and the remarks made to them in securing their signatures to these cards.

Now in support of that, we can offer to you a letter signed by Ted Davis of the UIU, George Kaiser of the AFL-CIO, and Napoleon Brown, UIU representative, in which they refer in here, in this letter, to these employees, and to the other employees that your "secret cards have been turned over to the federal government."

And the second page, third paragraph, in the—third paragraph from the end, they say, "Your signed, secret cards and your X on the governmental secret ballot is your democratic way" and so forth; and in the last paragraph, they say "an overwhelming majority have already signed secret authorization."

TRIAL EXAMINER: What is the date of that?

MR. SCHOCH: The date of that letter is August 1, 1964. We offer this in evidence.

[fol. 56] MR. SCHOCH: No, sir, it is admitted in the petition that they signed them, but they say now that the conditions under which they were signed is a secret condition, and we have backed it up by this letter; we will be glad to put on evidence to that effect, but we do not want a public disclosure; we would like to ask the Examiner if hearing these matters, that he hear them out of the presence of the public because that is their right. They are not to be forced to make a public disclosure that they have done this under the conditions under which the Union secured their names, and that is our petition.

TRIAL EXAMINER: The petition to intervene is denied. I will mark your petition as Trial Examiner's Exhibit 1.

(The document above-referred to was marked Trial Examiner's Exhibit No. 1 for identification.)

[fol. 57] MR. SCHOCH: We take an exception.

TRIAL EXAMINER: I will make your petition as part of the record, Trial Examiner's Exhibit 1.

(The document above-referred to, heretofore marked Trial Examiner's Exhibit No. 1, was received.)

TRIAL EXAMINER: All right, you may proceed.

MR. WILLIAMSON: Mr. Examiner, I believe that Mr. Schoch also offered a document purporting to be a letter from—

TRIAL EXAMINER: Yes.

MR. WILLIAMSON: We, of course, object to the admission of the letter.

MR. SCHOCH: We would like to have that letter made part of the record so that we could refer to it.

TRIAL EXAMINER: All right, I will make that Trial Examiner's 2.

(The document above-referred to was marked Trial Examiner's Exhibit Number 2 for identification and was received.)

MR. SCHOCH: Thank you very much.

FURTHER DIRECT EXAMINATION
(REDIRECT BEESON)

* * * *

[fol. 58] Q. (By Mr. Cowherd). Now were you specifically told in these words, or very similar, to sign the card only for the purposes of an election? A. No, sir.

* * * *

[fol. 60] Q. (By Mr. Cowherd) Did any company official talk to you about the union? A. Yes, sir.

Q. And who was that? A. Mr. Hoffman.

Q. And approximately when did this conversation take place?

TRIAL EXAMINER: Is there more than one Mr. Hoffman?

MR. COWHERD: Not to my knowledge.

TRIAL EXAMINER: I see, well, I don't know.

MR. COWHERD: I will identify him.

Q (By Mr. Cowherd) Do you know what Mr. Hoffman's title is? A I think he was general manager or vice-president.

[fol. 61] Q (By Mr. Cowherd) Mr. Beeson, would you tell us what was said in this conversation and how it came about. A Well, Mr. Hoffman asked me, he said he heard, he said that word got to him that I asked a fellow employee to sign a union card.

Q Excuse me, I don't know whether we have established this, but when did this happen? A In August of last year.

Q Okay, proceed. A Well.

Q How did the conversation come up? A Well, Mr. Hoffman asked me, he said word got to him that I asked a fellow employee to sign a union card.

Q And what did you say? A I said, "No, sir."

Q And did Mr. Hoffman say anything further? A He said that he didn't think that I would.

[fol. 65] HENRY CLAY McMURRAY

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Take a chair, and give us your full name and address, please.

THE WITNESS: Henry Clay McMurray, 423 South Elm, High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd). Mr. McMurray, where are you employed? A I were employed at General Steel.

Q. You are not any longer? A. No.

Q. How long did you work for General Steel? A. About 16 months.

Q. And when did you leave the company? A. Three weeks ago.

Q. Mr. McMurray, what department did you work in over there? A. Department 35.

Q. Who was your foreman? A. Tommy Parish.

MR. COWHERD: I would like to have this marked for identification.

(The document above-referred to was marked General Counsel's Exhibit No. 6(c) for identification.)

Q. (By Mr. Cowherd) Mr. McMurray, I show you General Counsel's Exhibit marked for identification 6(c) and ask you if you can identify that, is that your signature? A. Yes, sir.

Q. Does the date appearing on here, is that the correct date on which you signed the card? A. Yes, sir.

MR. HAMLIN: Would you read the date, please.

MR. COWHERD: 5-28-64.

MR. HAMLIN: May I examine it?

TRIAL EXAMINER: Yes.

MR. COWHERD: I offer General Counsel's Exhibit Number GC-6(c) into evidence.

CROSS EXAMINATION

Q. (By Mr. Hamlin) Mr. McMurray, is all of the writing on this card on the face of this card yours? A. My signature is.

Q. The signature is yours? A. Yes.

Q. What else was on it at the time you signed it?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: You may answer.

A. There wasn't anything on it.

TRIAL EXAMINER: I didn't hear your answer.

THE WITNESS: I say, there wasn't anything on it.

Q. (By Mr. Hamlin) Whatever else is on the card has been filled in since that time? A. Just the address.

Q Just the address. How about the date? A And the date.

Q And you don't know who put that on? A I think Bobby Floyd filled it out.

Q Did you see that information put on? A Yes, sir.

Q At the time you signed? A Yes, sir.

[fol. 68]

EXAMINATION

Q (By the Trial Examiner) Can you read? A Yes, sir.

Q Did you read this card before you signed it? A I knew what it was for, I signed the card to get the union in.

Q Did you read the card before you signed it? A Yes, sir, I looked at it.

Q Did you understand it? A Yes, sir.

[fol. 69] Q (By Mr. Hamlin) Did you understand or were you told that—

MR. WILLIAMSON: Object to the double question.

TRIAL EXAMINER: Just a minute. Let him finish the question, please.

Q (By Mr. Hamlin) Did you understand or were you told that this card would be used to secure an election?

MR. WILLIAMSON: Object to the double question.

TRIAL EXAMINER: Objection sustained. I think that I might tell you that I going to reserve my ruling in connection with the first card that was offered. I think—and so that you may be guided in your future examination and cross-examination and voir dire, I am going to rule throughout this proceeding, you are apparently going to go through this procedure with every card, I take it; my ruling will be, so that you may understand it, will be that with respect to any witness who read this card and can understand English, and signed it freely without coercion at least, I will sustain any objection to the cross-examination of a witness as to what he was told with respect to

the possibility of an election, and as to its possible use only for an election; in other words, my ruling will be that if the witness read this card, understood it, and signed it, I think that is enough; or rather, I will not permit you to cross-examine the witness as to anything, any inquiry as to whether or not he was told that it was only for the purpose of an election, or similar line of questioning; and so with respect to your last question, the objection will be sustained.

[fol. 71] MR. HAMLIN: May I inquire whether it is necessary for the purposes of review to have the witness' answer in the record.

TRIAL EXAMINER: No, I don't think so. I think the Board will rule if I am in error.

[fol. 82]

BILLY HOOKER

was called as a witness by and on behalf of the General Counsel, and, after having been duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Take the chair, please, and give us your full name and address, please.

THE WITNESS: Billy Hooker, Box 127, Trinity, North Carolina.

[fol. 83]

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Hooker, where do you work, please? A General Steel.

Q And what is your job, sir? A Press setup man.

Q And who is your foreman? A Bob Sparks.

Q Bob Sparks? A Yes.

MR. COWHERD: I would like to have this marked for identification.

(The document above-referred to was marked General Counsel's Exhibit No. 6(d) for identification.)

Q (By Mr. Cowherd) I show you General Counsel's Exhibit marked for identification as Number 6(d) for identification.

Could you tell me if that is your signature on there. A Yes, sir, it is.

[fol. 86] Q (By Mr. Cowherd) Mr. Hooker, did you read this card before you signed it? A I did.

Q I show you a card; does that date represent the approximate time you signed the card? A I suppose so.

Q All right.

TRIAL EXAMINER: Well, does it?

THE WITNESS: Well, it looks like it is on the same ink, and everything, and so I imagine it is the date.

TRIAL EXAMINER: Well, do you remember about when you signed it, do you remember the date when you signed it?

THE WITNESS: Well, it was about that time, the middle of August, the exact date, no, sir, I don't know.

Q (By Mr. Cowherd) You mean, you say the middle of August; the seventh or eighth month? A That is the seventh, that is July.

Q Is your testimony about the middle of July? A Well, yes.

[fol. 90] Q (By Mr. Hamlin) Mr. Hooker, at or before the time you said you signed this card, what were you told as to the purpose for which the card was to be used or the purpose for what it was to be signed? A I wasn't told anything. I just read it, and I knew what it was, and I wanted the Labor Board to represent me as I needed.

[fol. 91] Q (By Mr. Hamlin) Were you told anything in regard to whether the card would be kept secret or not? A Yes, sir, I was.

Q What was that? A I was told that no one would ever know anything about the card, that it would remain a secret, and never be revealed under any circumstances.

Q Who told you that? A George Oldham, or George Oham.

Q Is he one of the persons who enlisted you to sign a card? A Yes, sir.

[fol. 105] MR. WILLIAMSON: Mr. Examiner, General Counsel stayed late last night reading cases, and so forth, and so on; he has come to this conclusion; that the point, which as he understands it, is parole testimony admissible to alter the effect of a card which is unambiguous on its face, feels that the point has not been ruled on precisely. He does, however, feel that the general practice of both the Board and the Circuit Courts of Appeal has been even where the card is unambiguous on its face that these various side circumstances and statements are brought into it, and he stands prepared at this time to withdraw his objection to the Respondents going into the circumstances of what the witness was told.

[fol. 109] ROY LEE EDMONDS

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Take a chair and give us your name and address and speak up loud, please.

THE WITNESS: Roy Lee Edmonds, Taswell, Virginia.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Edmonds, have you ever worked at the General Steel Products Plant? A Yes sir, I have.

Q At High Point? A Yes, sir.

Q When did you work there? A I started in September, I believe, I am not sure.

Q Of what year? A 1964.

Q Were you working there during part of the union campaign? A Yes, I was.

Q Have you ever attended any meetings called by the employees out there? A Yes, I have.

Q Will you tell us when that was? A A day or two before the election.

Q And who called the meeting? A Frank Hoffman.

Q And who is Frank Hoffman? A General manager of something, I don't know; he is over the plant.

Q Would you tell us, was this a meeting of all the [fol. 111] employees? A Yes, it was.

Q Would you tell us now what the meeting was about? A He started off bringing up the right to work law. He said that if we went on strike, when we hit the door, we had no more job.

Q Did he have notes, was this a prepared speech? A He seemed to have.

Q Did he have notes or prepared speech? A It seemed to be prepared.

Q Did he read from the notes? A I couldn't say. I was pretty far back. I could hear, it was over the loud-speaker.

Q All right, now, can you recall any of the other things that he mentioned in his speech? A He brought up where the government said he had to negotiate in good faith; he said he would negotiate, negotiate, and keep on negotiating; he didn't say that he wouldn't sign a contract; he just kept saying he would negotiate, negotiate, and keep on negotiating.

Q Did he tell you anything about strike? A He told us on the strike that the Boss would be Napolean Brown; he could draw us out on strike any time he got ready.

[fol. 113] CROSS EXAMINATION

Q (By Mr. Hamlin) You are no longer working at the plant? A No, sir.

Q You live in Taswell, Virginia? A Right.

Q When did you leave? A January.

Q Under what circumstances? A Well, I was snow-bound in Virginia when I went up to my wife's grand-

mother's funeral; I was snowbound for about two weeks. I decided to stay.

Q So you quit voluntarily? A Right.

[fol. 123] JOHN HENRY EDMONDS

was called as a witness by and on behalf of General Counsel and, after having been duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Have a seat, and state your name and address for the record.

THE WITNESS: John Henry Edmonds, Route 3, Taswell, Virginia.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Have you ever been employed by General Products, General Steel Products, Inc? A Yes, sir.

[fol. 124] Q When did you work there? A I quit about two weeks ago.

Q Were you working back in 1964 when the Union campaign was going on? A Yes, sir.

Q Who was your foreman? A Bob Bethea.

Q Did you attend any meetings called by company officials for employees? A Yes, sir.

Q When was this? A A day or two before the election.

Q Was this the same speech that your brother talked about? A Yes, sir.

Q Tell us what you recall from the speech. A He talked about the right to work laws.

Q Who? A Frank Hoffman.

Q All right. A He talked about the right to work law, and that anyone going out on strike would lose their job, and be replaced by another man; and he talked about negotiating; that the government said that they had to negotiate in good faith, but that they, he could negotiate, and negotiate, and negotiate, and he did not have to sign a thing.

Q Is that all you recall? A He said strikes were the only union weapon; it was no good in North Carolina with the right to work law; and he talked a good bit about, General Motors was on strike at that time; and he said they didn't have a right to work law; he said that about the only weapon the union had was the strike.

Q Now did he appear to be reading from notes? A He appeared to be.

Q Did you see him reading them and looking down at them? A You could see him look down every now and then.

Q How often? A Every ten or fifteen seconds.

[fol. 130] JAMES R. HUTCHINS

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Have a seat, please, and state your name and address for the record.

THE WITNESS: James R. Hutchins, 1705 Baker Road, High Point.

MR. COWHERD: I would like to have this document marked for identification, please.

(The document above-referred to was marked General Counsel's Exhibit No. 6(e) for identification.)

DIRECT EXAMINATION

Q (By Mr. Cowherd) Where are you employed? A General Steel Products.

Q And how long have you worked there? A About 22 months.

Q Mr. Hutchins, I show you General Counsel's Exhibit marked for identification as Number 6(e) and ask you if that is your signature. A No, sir, it is not. That is my wife's. I give her permission to sign it for me.

Q Now, Mr. Hutchins, did you read this card before you signed or before your wife signed it? A Yes, sir.

[fol. 132] VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Were you told before you signed this card that it would be used to obtain a union election? A Yes, sir, to get the union in the plant to represent me, yes, sir.

[fol. 134] Q And you were told, were you not, that this card would be secret, confidential? A Yes, sir.

MR. WILLIAMSON: Objection.

Q (By Mr. Hamlin) That it would be used, that it would be shown only to the Labor Board? A Well.

Q For the purpose of getting an election?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: I will sustain the objection to that.

MR. HAMLIN: I take it I don't need an exception but I am still troubled about making the record.

TRIAL EXAMINER: Well.

MR. HAMLIN: Can I have the answer for the record?

TRIAL EXAMINER: No. You have your exception.

[fol. 135] Q (By Mr. Cowherd) Mr. Hutchins, when you signed the card, were you told that it was only for the purpose of an election? A No, sir, I thought it was to get an election to have a union representative.

Q Mr. Hutchins, you testified that you had been working at General Steel. Who was your foreman? A Well, right now it is Jerry Furr or Charlie Pack; I don't understand which one it is.

Q Were you working during the time that the union campaign was going on? A Yes, sir, I was.

Q All right, did you attend the employees meeting called by Mr. Hoffman? A Yes, sir, both of them.

Q All right, could you tell us what was said in the second one? A Yes, sir, the day before the election he called us all in, out in the middle of the floor, and he was talking to us about the union; he said he didn't think that we needed a union in our plant; that he could do more for us than any union could; and he got to naming over some of

the places that tried to get unions in; he named off Bottoms-Fiske over there; he said, "I guess all you guys remember that." He said that they were on strike for almost two years, or maybe two years, and out walking the picket lines, and out in the cold; and he said then when the strike was over, that a lot of the guys didn't go back to work; he said that they lost their homes and their cars, and everything they had.

And then he mentioned the one in Thomasville, Finch Furniture I believe it was; he said that they were out on strike for a long time; and a lot of those guys lost their home and cars; and he says, "They haven't gone back to work yet."

Q Did he say anything about what would happen to you if you went on strike? A Yes, sir, he said that if we got a union in and went out on strike, he said when we walked through that door, we were finished; he said that we could walk the picket line until we got through with it, and our jobs would be replaced by somebody else; that he could hire and replace somebody else for our jobs and we would be through; we couldn't get back in.

[fol. 137] Q All right, now, did he say anything about negotiating a contract with the union? A Yes, sir, he said the National Labor Board says that I have to go, have to negotiate in good faith, which "I will do"; he said, "I will negotiate, and negotiate, and negotiate, and negotiate."

Q Now where were you when you heard the speech? A I was setting on top of a bunch of cases.

Q Were you close to the front or close to the back? A Well, I was about middleways, I suppose.

Q Now did he appear to be reading from notes or did he talk, just talk freely? A He had a paper in his left hand; he glanced down once in a while; as though he were reading something off; but he didn't use them all the time; he glanced down once in a while.

Q All right, now has any foreman talked to you about the union? A Yes, sir, Bobby Simpson was our foreman at that time.

Q When did he talk to you? A Oh, maybe four or five weeks before the election.

Q How did the conversation come up? A He called us all into the little shipping office there; I worked out of the shipping department; and he said he wanted to talk to us about this union; that there was a vote coming up pretty soon; of course, it would be our privilege to vote the way we wanted to; he couldn't tell us which way to vote; but he said he didn't think that we needed one on the plant; he said business was pretty good; he said if the union come in; he said maybe a lot of people wouldn't buy our products on account of it was union made; and he said in case we left and went to work someplace else that it might be hard for us to find a job because we had been working for a union outfit;

[fol. 147] WILLIAM F. POORE, JR.

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Will you have a seat, and state your name and address for the record.

THE WITNESS: William F. Poore, Jr., Route 5, Box 516, Finch Avenue, High Point.

Q (By Mr. Cowherd) Mr. Poore, where do you work?
A General Steel Products.

Q And how long have you worked there? A Approximately three years.

[fol. 154] MR. HAMLIN: As I understand it, sir, where a question is asked and an objection is sustained in this proceeding, the person putting the question has an automatic exception.

TRIAL EXAMINER: I believe I so announced at the beginning of the hearing.

MR. HAMLIN: I wasn't sure.

TRIAL EXAMINER: Yes.

Q (By Mr. Hamlin). Were you told that cards would be, that the cards would be disclosed to the Labor Board?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Sustained.

Q (By Mr. Hamlin) Were you told that the cards would be disclosed only to the Labor Board for the purpose of obtaining an election?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Would you restate that question.

Q (By Mr. Hamlin) Were you told that the cards would be disclosed only to the Labor Board for the purpose of obtaining an election?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Sustained.

Q (By Mr. Hamlin) Were you told that you could vote either way notwithstanding that you had signed the card?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Sustained.

[fol. 161] Q (By Mr. Cowherd) Mr. Poore, who is your foreman over there? A Walter T. Parish.

Q In what department is that? A 35.

[fol. 163] Q Now, Mr. Poore, has your foreman or any other supervisor talked to you about the union? A Yes, sir.

Q Who was the person that talked to you? A My foreman, Mr. Parish.

Q And when was this that he talked to you? A On the morning of the day of the election.

Q And how did this conversation come about, where were you? A Standing at my place working, he come up to me.

Q What did he say? A He said, "Well, Poore, we are going to vote this thing out here today." He said, "I don't think that you boys need a union." He said, "I believe that it will do you more harm than it will good."

[fol. 164]

WAYNE McCALL

was called as a witness by and on behalf of the General Counsel and, after having first been duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Have a seat, please, and give use your name and address.

THE WITNESS: Wayne McCall, 223 Landsdown, High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Have you ever worked for General Steel Products, Inc., High Point? A Yes, sir.

Q When did you work there? A From October, 1963, until the 24th through last month '65.

Q Now, Mr. McCall, did you ever sign a union card? A Yes, sir.

Q For the Upholsterers' International Union of North America? A Yes, sir.

Q Did you read your card before you signed it? A Yes, sir.

Q I show you General Counsel's Exhibit marked for identification Number 6(g) and ask you if that is your signature. A Yes, sir.

Q What date was it signed on? A 8-1-64.

Q 8-1-64? A Yes.

Q The eighth month, the first day? A Yes.

Q Is that right? A Yes.

[fol. 166] MR. COWHERD: I offer General Counsel's Exhibit Number 6(g) into evidence.

(The document above-referred to was marked General Counsel's Exhibit No. 6(g) for identification.)

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Mr. McCall, is all of the writing on this card in your handwriting? A All except GC 6(g).

Q All except the— A Except this right here at the top.

Q Exhibit Number—the top card? A Yes, sir.

Q I call your attention to the date which appears on that card. A Yes, sir, that is mine.

Q Is that your handwriting? A Yes, sir.

Q When did you put it on there? A The same day.

Q Did you put it on the same time that you signed the card? A Yes, sir, I wrote it with a different pen.

Q You wrote everything on the card with one pen and wrote the date with another? A Yes, sir.

[fol. 167] Q Can you read what it says on this card? A Yes.

Q Read it to me. A "I do hereby designate and authorize the Upholsterers' International Union of North America, AFL-CIO and its representatives to act as my representative for the purpose of collective bargaining in respect to rates of pay, wages, hours, employment, and other conditions of employment."

Q Where were you at the time that you signed this card? A At home.

Q In whose presence? A Myself, and my wife, and two kids and Mr. Ted Davis.

Q Would you concede that Mr. Ted Davis was an official of the union? A Yes, sir.

MR. WILLIAMSON: I don't think that he can answer that, Mr. Examiner. We will concede that.

Q (By Mr. Hamlin) What did Mr. Davis tell you about the reason for obtaining union cards? A He gave me the card and asked me if I knew what it was, and I told him, yes, and he asked me if I wanted to sign it to get a union in General Steel and I told him, "Yes."

TRIAL EXAMINER: Speak up a little louder, please.

Q (By Mr. Hamlin) Did he tell you what use would [fol. 168] be made of this card? A To get a union in at General Steel.

Q Did he tell you that the card would be used to obtain an election? A The words I understood him to say was that the card would be used to get a union in at General Steel.

Q No talk about an election at that time? A Well, I didn't ask him about any.

Q Did he say anything about that? A Not to my recollection.

Q. Did he tell you that your card would be secret?

MR. WILLIAMSON: Objection.

Q. (By Mr. Hamlin) Or anything to that effect?

TRIAL EXAMINER: Sustained.

[fol. 169] Q. (By Mr. Cowherd) Do you know an employee by the name of James Morgan? A. Yes, sir.

Q. Does he work at General Steel or did he work at General Steel Products? A. He did.

Q. He is no longer employed there? A. I don't think so.

Q. Did he work there during the summer of 1964? A. Yes, sir.

Q. Did you give him a union card to sign? A. Yes, sir.

Q. Were you present when he signed it? A. I was not looking at him.

Q. You were not looking at him? A. No.

Q. Where were you when he signed the card? A. I was sitting in the front seat of my car and he was in the back seat.

Q. And you handed him the card? A. Yes, sir.

Q. Did he give it back to you? A. He gave it back to me signed.

Q. Signed? A. Yes, sir.

Q. At the same time? A. Yes, sir.

Q. While you were in the car? A. Yes, sir.

Q. Do you recall approximately when it was? A. No, sir, I don't.

Q. I show you General Counsel's Exhibit marked for identification Number 6(h).

(The document above-referred to was marked General Counsel's Exhibit Number 6(h) for identification.)

[fol. 171] Q. (By Mr. Cowherd) And I ask you if that is the card that you received from James Morgan? A. Yes.

Q. Now refreshing your recollection, is this date on

this card, does it represent the date that he signed the card? A Yes.

Q All right.

Q Is that the condition that the card was in when you received it back from him? A Yes.

MR. COWHERD: I offer General Counsel's Exhibit Number 6(h) into evidence.

TRIAL EXAMINER: When you handed him the card in the first place was there any signature on the card?

THE WITNESS: His signature wasn't on it.

TRIAL EXAMINER: Pardon me?

THE WITNESS: His signature wasn't on it.

TRIAL EXAMINER: Was or was not?

THE WITNESS: Was not.

TRIAL EXAMINER: When you handed him the card?

THE WITNESS: No, sir. I had filled in the date and the address, and he told me that he wanted it filled in before he signed it because he couldn't write nothing except his name.

[fol. 173] Q. (By Mr. Hamlin) Did you see him read this card, do you know whether he could read it or not?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Sustained.

Q (By Mr. Hamlin) I believe you testified that you were not looking at him when he signed it? A No, sir.

Q So you don't know whether he read it or not? A That's right:

Q What did you tell Mr. Morgan about the purpose of the card? A I gave him the card and he said he had read it and he wanted me to fill it out.

Q (By Mr. Hamlin) The question was, what did you tell him at that time. A I gave him the card and told him that I was giving the card out; I didn't tell him what for; I just gave them to him and told them that I was giving them out.

Q Did you tell him that the cards would be used to secure an election? A No, sir.

[fol. 179] DIRECT EXAMINATION

(BY MR. COWHERD)

[fol. 181] Q Now, Mr. McCall, did you attend the company speech made on November 5, the day before the election, a couple of days before the election? A November 4, two days before the election.

Q All right, was this the same speech that we have heard testimony on today? A It was one of them.

Q This is the second speech? A The second that Mr. Hoffman gave.

Q All right, now, could you tell us what you recall of that speech? A Well, he started off first, the best I recall that he wouldn't hold us but five or ten minutes, that the company couldn't afford to pay us for sitting down; and then he went on to say, "We all know the reason for being there, the union trying to get into the plant; we didn't need a union; he couldn't work with a union in the plant; and he was not going to work with a union in the plant."

[fol. 182] Q Did he say anything about a contract? A His contract came on up in the speech.

Q Continue. A When he first got up, he was reading some notes, he went on talking about the union, that companies had voted in unions, tried to vote in unions; he brought out Bottoms-Fiske; he said that they voted in a union and had bombings and dynamitings, and men were out of a job.

Q Did he mention any other company? A He brought out a company, I didn't understand the name over here in Thomasville; he said that they were on a strike a year, maybe two years, he didn't know for sure; but said he passed there mornings and nights, and men was out walking picket lines in the cold; they lost their cars; their homes; and they were still out of work; they couldn't ge a job for participating with a union.

And he said a good example was National Springs, that they had bought a new plant across the street, that they had had a union for over a year, and there is still no contract signed.

Q Did he say anything about what would happen if the union came in to General Steel? A He said one weapon that the union has is a threat of a strike and that in North Carolina a strike is no good to nobody because you have the right to work law, when you are, when you walk out the door, you are fired and finished; and "we can hire new men in your place to take your job."

He said, "The Government requires me to negotiate a contract, and I will negotiate, and negotiate, and negotiate, but no union will get a damn thing from me."

Q Now, Mr. McCall, where were you during the speech? A I was sitting approximately five feet from his platform.

Q Approximately five feet? A Yes.

[fol. 191] JAMES HOWARD BYRD

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Have a seat, and state your name and address for the record, please.

THE WITNESS: James Howard Byrd, 311 Liberty Road, High Point, North Carolina.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Byrd, are you employed at General Steel Products? A Yes, sir, I am.

Q Are you now working there? A Yes, sir.

Q Did you work there during the year 1964? A Yes, sir, I did.

Q Mr. Byrd, did you sign a union card for the Upholsterers' International Union of North America? A Yes, sir, I did.

Q Did you read the card before you signed it? A Yes, sir.

Q I show you General Counsel's Exhibit marked for identification Number 6(i).

(The document above-referred to was marked General Counsel's Exhibit No. 6(i) for identification.)

Q (By Mr. Cowherd) And I ask you if you recognize that document. A Yes, sir.

Q Is that your signature on the card? A Yes, sir, it is.

Q Does that date on the card represent the approximate time at which you signed the card? A Yes, sir.

* * * * *

[fol. 193] Q (By Mr. Hamlin) Who were these people? A Rabon Wilford, Bill Poore, and Wayne—I don't know what his last name is.

Q Who are they? A At that time they were employees of General Steel.

Q And were they securing the signing of union cards among the people in the plant? A Well, I don't know how many more they asked to sign a card, but they had the card that I signed.

Q Did they or any of them tell you with regard, did they tell you anything with regard to the secrecy of the card? A They said that they were working to get a union in out there.

Q All right. A And asked me if I would sign a union card and I told them, yes, I would.

Q Did they tell you that the purpose of the card was to obtain—

MR. COWHERD: Objection. Who is they?

Q (By Mr. Hamlin) Did any of them tell you the purpose of the card, any of these people that you have mentioned? Did any of them tell you that the purpose of the card was to obtain an election? A No, sir.

* * * * *

[fol. 196] Q Did he tell you that the card would be kept secret?

MR. COWHERD: Objection.

TRIAL EXAMINER: Sustained.

Q (By Mr. Hamlin) Did he tell you that the card would be kept secret except for submitting it to the Labor Board to secure an election, did he say anything to that effect?

MR. COWHERD: Objection.

TRIAL EXAMINER: Sustained.

I might say, counsel, that insofar as I am concerned, the record may show that you either have, that you either will, that you either have or will ask the same question of every witness who is called upon to identify his card, and that I would make the same ruling, and you may have an exception to cover all those cases.

[fol. 197] Q (By Mr. Hamlin) Did this man tell you that you were naming the union to represent you? A At this time they just said that they were working trying to get a union in and asked me if I would sign a card to help get it in, and I told them I would sign a card, and they gave it to me, and asked me to read it, and I read it, and then I signed it.

Q (By Mr. Cowherd) Mr. Byrd, who was your foreman? A At the present time it is hard to say, sir.

Q Who was your foreman last year? A Richard Dick Davis, sir.

Q Was he your foreman during the time the union was trying to organize out there? A Yes, sir, he was.

Q Now did any foreman or supervisor or company official talk to you about the union during this period of time? A Yes, sir, they did.

Q And when did this take place, do you remember the date? A The morning of the election, sir.

Q And who was the individual that talked to you? A Richard Davis.

Q Your foreman? A Yes, sir.

Q Where did the conversation take place? A At the table that I worked on, sir.

Q While you were working? A Yes, sir.

Q Did he come to you? A Yes, sir.

Q Or did you go to him? A He came to my table.

Q All right, sir, would you tell us what the conversation was about. A Well, he said, we were standing there talking about the union and getting, telling me why he didn't think that we needed a union, and he asked me

when—or he asked me how I intended to vote, and I told him that I hadn't made up my mind; and during this conversation, Tiny Micheau, the best I can remember, asked—

Q Who is Tiny Micheau? A He is an employee of General Steel.

Q Was he working there at the time with you? A Yes, sir.

Q All right. A He said something to Dick about one of the employees, Jackie Ledford, may vote for the union if he doesn't get on spring up table.

Q All right.

TRIAL EXAMINER: If he didn't what?

THE WITNESS: Get up on spring up table; at that time, he was taking beds off of the conveyor line, sir, and Richard Davis, said, well, if I find out he did, I will fire him.

Q (By Mr. Cowherd) Find out if he did what? A He says, if I find out that he voted for the union, I will fire him, and then he said, I will fire him for not doing his work.

[fol. 204] Q You heard Mr. Hoffman's speech? A Yes, sir, I heard Mr. Hoffman's speech.

MR. COWHERD: Objection. It wasn't brought out on direct.

TRIAL EXAMINER: Sustained.

MR. HAMLIN: Very briefly, sir, that is not a rule in force in federal courts in this jurisdiction; you may cross-examine as to any relevant matter, and I feel that I should be allowed to inquire about that.

TRIAL EXAMINER: Objection sustained.

MR. HAMLIN: Exception.

[fol. 205] W. DONALD JACOBS

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn as a witness, was examined and testified as follows:

TRIAL EXAMINER: Be seated, and give us your name and address.

THE WITNESS: W. Donald Jacobs, 538 Roy Avenue, High Point.

MR. COWHERD: I would like to have this marked for identification.

TRIAL EXAMINER: General Counsel's Exhibit 6(j).

(The document above-referred to was marked General Counsel's Exhibit No. 6(j) for identification.)

DIRECT EXAMINATION

Q. (By Mr. Cowherd) Mr. Jacobs, would you speak up loud so that the court reporter can get everything. A All right.

Q. Are you employed at General Steel Products in High Point? A Yes, sir.

Q. Are you now working there? A Yes, sir.

Q. Did you work there during the year 1964? A Yes, sir.

Q. What was your—did you sign a union authorization card for the Upholsterers' International Union of North America? A Yes, sir.

Q. And did you read the card before you signed it? A Yes, sir.

Q. Mr. Jacobs, I show you General Counsel's Exhibit marked for identification as 6(j) and ask you if you can identify that. A Yes, sir, that is my handwriting.

Q. Did you sign that card? A Yes, sir.

Q. Does the date on that card represent the approximate time at which you signed it? A Yes, sir.

[fol. 207] VOIR DIRE EXAMINATION

Q. (By Mr. Hamlin) Mr. Jacobs, what parts of that card were written by you? A Every bit of it, sir.

Q. You didn't write this exhibit number at the top? [fol. 208] A No, sir.

Q. Did you write the figures 8-1-64? A Yes, sir.

Q. Are those in the same handwriting as the rest of the card? A. Yes, sir.

MR. WILLIAMSON: Objection.

MR. COWHERD: Objection.

TRIAL EXAMINER: Well, he has answered.

Q. (By Mr. Hamlin) Can you read, Mr. Jacobs? A. Yes, sir.

Q. Who came to you and asked you to sign the cards? A. Mr. Ted.

Q. And where did he talk to you? A. At my girl friend's house.

Q. By "Mr. Ted", do you mean Mr. Ted Davis? A. Yes, sir.

Q. Did he make any statement to you with regard to the secrecy of this card?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Sustained.

Q. (By Mr. Hamlin) Did he make any statement to you with regard to the use of this card for an election?

A. He said that the union would represent us.

Q. I asked you, did he make any statement to you with regards to an election? A. Repeat the question, sir.

Q. Sir? A. Would you repeat it again?

Q. Did he make any statement to you with regard to an election? A. He said, he didn't say nothing about it when we signed the card, but I know what it was for, I knew what it was for, if we signed the card, the union would represent us. That they would represent us at the time, at the date set for an election.

[fol. 217] SAMUEL M. SNOW

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

MR. COWHERD: I would like to have this marked for identification.

TRIAL EXAMINER: 6(k).

(The document above-referred to was marked General Counsel's Exhibit No. 6(k) for identification.)

TRIAL EXAMINER: Have a seat, and state your name and address for the record.

THE WITNESS: Samuel M. Snow, 267 Beddington Street, High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Where are you employed, Mr. snow? A General Steel.

Q General Steel Products? A Yes, sir.

Q At High Point? A Yes, sir.

Q Are you working there now? A Yes, sir.

Q Did you work there in 1964? A Yes, sir.

Q Did you sign an authorization card with the Upholsterers' International Union of North America? A Yes, I did.

Q Did you read the card before you signed it? A Yes.

TRIAL EXAMINER: Speak up louder.

MR. HAMLIN: I couldn't hear the last answer.

THE WITNESS: Yes, sir.

Q (By Mr. Cowherd) Mr. Snow, I show you General Counsel's Exhibit marked for identification Number 6(k) and ask you if you can identify that. A Yes, sir.

Q Is that your signature on the card? A Yes, it is.

Q Does the date on that card represent the approximate time at which you signed the card? A Yes, I imagine it is.

Q Yes or No? A Yes, sir.

MR. HAMLIN: What's the date?

MR. COWHERD: The date is July 20, 1964.

I offer General Counsel's Exhibit Number 6(k) into evidence.

[fol. 219] VOIR DIRE EXAMINATION

(BY MR. HAMLIN)

[fol. 221] Q Did anybody tell you what the purpose was of signing the card? A Yes, they did.

Q Who was this? A It was one of the union men, I can't think of his name.

TRIAL EXAMINER: Speak up louder, please, Mr. Snow.

Q (By Mr. Hamlin) Was it one of the men here in the room? A Yes, it was Ted.

Q Mr. Ted Davis? A Yes.

Q What did he tell you about the purpose of signing it? A He said it was to get the union in—

[fol. 222] Q (By Mr. Hamlin) Did Mr. Davis tell you that the card would be used in obtaining an election? A Yes, he did.

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Sustained.

Q (By Mr. Hamlin) Did Mr. Davis tell you that the cards would be secret except for using them to get an election, or anything like that?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: The same ruling.

Q (By Mr. Hamlin) Did Mr. Davis tell you that the card was for the purpose of having the union represent you?

MR. WILLIAMSON: Objection.

Q (By Mr. Hamlin) Regardless of any election?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Sustained.

Q (By Mr. Hamlin) Did Mr. Davis tell you that the union would come in only if it won an election or anything to that effect?

MR. COWHERD: Objection.

TRIAL EXAMINER: Sustained.

Q (By Mr. Hamlin) Did Mr. Davis tell you that you could vote either way if you signed a card?

MR. COWHERD: Objection.

TRIAL EXAMINER: Same ruling.

[fol. 224] Q (By Mr. Cowherd) Mr. Snow, did Mr. Davis make the statement that the card was only for the purpose of an election? A Yes.

[fol. 225] Q. Do you recall whether I came to your house? A. Oh, yes, sir, I remember that.

Q. Do you remember I asked you if that was your signature on the card? A. Yes.

Q. Do you remember signing an affidavit? A. Yes, sir, I remember signing the affidavit.

Q. Do you remember reading it? A. Yes, sir.

Q. All right, would he help your memory any if I showed you your affidavit now? A. Yes.

[fol. 226] Q. (By Mr. Cowherd) Mr. Snow, would you take a look at this and read it over to yourself and see if that refreshes your memory.

That is your signature on that? A. Yes, it is.

Q. All right, now, Mr. Snow, do you recall now whether or not you were told specifically by Mr. Davis whether that you were signing the card only for the purpose of a union election?

MR. MARTIN: Objection.

MR. HAMLIN: Objection.

TRIAL EXAMINER: He may answer.

THE WITNESS: You mean specifically—

Q. (By Mr. Cowherd) Only for the purpose, was this statement made to you, only for the purpose of a union election?

MR. MARTIN: Objection.

TRIAL EXAMINER: Overruled. The question is, now that you have had your memory refreshed, you are being asked again, did Mr. Davis tell you that the card would be used only for an election?

THE WITNESS: It would be used for an election.

TRIAL EXAMINER: The question was, did he say it would only be used for that purpose?

THE WITNESS: I can't remember whether he said it or not right now. I know we were talking about it, but I can't remember it; it has been right long ago. He was talking—

TRIAL EXAMINER: He was talking about what?

[fol. 228] THE WITNESS: About the card.

Q. (By Mr. Cowherd) When was it that Mr. Davis talked to you again?

Before you signed the card, how long was it? A You mean after I signed the card?

Q Before you signed the card, how long before you signed the card did Mr. Davis talk to you? A I couldn't remember that.

Q Was it a day? A Well, it could have been a month, a day or two, I can't remember that.

Q A long time?

TRIAL EXAMINER: A little while ago you testified that you thought it was about two months before you signed the card.

THE WITNESS: I said I wasn't sure; it could have been two months or it could have been a month.

Q (By Mr. Cowherd) At least a month? A Somewhere about a month.

Q Now, Mr. Snow, referring to your affidavit, refer to this line right here, would you begin right there.

MR. MARTIN: If the Court please, he has already examined him about that.

MR. COWHERD: I have exhausted his memory.

A "I was told that I was signing the card just so the"—

Q (By Mr. Cowherd). I was what? Start over. A I was not told that I was signing the card just so the union could have an election.

[fol. 231] Q (By Mr. Cowherd) Mr. Snow, who is your foreman at General Steel? A You mean now or back then?

Q Back when the organizing campaign, back when the union was organizing the plant? A Jim Riggsbee.

Q And what department was he working in? A Department 32.

Q And what job did you have? A I was running a spinning machine.

Q Now did your foreman or any other foreman talk to you about the union during the campaign of 1964? A Yes, Jim Riggsbee talked to me about it.

Q Do you recall what the date was? A Around August 8 through the 11, one day there.

Q How did this conversation arise, how did it come up? A I was working on the machine, and they come around to the machine; and we was talking about it.

Q About what? A About the union.

Q All right. A He asked me did I sign a union card, and I told him that it wasn't none of his business.

[fol. 234] HOWARD THOMAS SLATE

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Will you state your name and address, please.

THE WITNESS: Howard Thomas Slate, 408 Coltrane Street, High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Slate, where do you work?

A Crown Flex, Crown Flex of North Carolina.

Q Is that Crown Flex of North Carolina here in High Point? A Yes, sir.

Q Mr. Slate, what is your job there? A I am a packer at the present time.

Q What was your job last year? A Working on the machines on the second shift.

Q For the same company? A Yes, sir.

Q Same place? A Yes, sir.

Q And who is your foreman? Who was your foreman? A Well, we had two; Ernest Curry for foreman on daytime; and Francis Amos was on the other one.

Q Now, Mr. Slate, did you sign an authorization card for the Upholsterers' International Union of North America? A I did.

Q Did you read the card before you signed it? A I think so. I am not sure whether I did or not.

Q Now— A But I usually read whatever I sign.

Q I show you General Council's Exhibit marked for identification 6(1).

(The document above-referred to was marked General Counsel's Exhibit No. 6(l) for identification.)

Q (By Mr. Cowherd) And ask you if you can identify that card. A Yes.

Q Is that your signature on the card? A It is.

Q Does it refresh your memory about whether you read that card or not? A I read it.

Q You read it? A Yes.

Q Is that the approximate date on which you signed the card? A Right here.

Q Right there. A Yes, sir.

[fol. 236] Q 7-10-64. A Yes.

MR. COWHERD: I offer General Counsel's Exhibit marked for identification 6(l) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Mr. Slate, did someone come to see you to ask you to sign this card? A Yes, they did.

Q Who was that? A George, I don't know his last name.

Q Is he someone that is in the room? A He is.

Q Is he an official of the union? A He is.

Q What did he tell you about the purpose of this card at the time he visited you to ask you to sign it? A Well, I don't know whether he told me anything about what the purpose was or not; I read the card before I signed it.

Q Was there no conversation with him? A I suppose there was.

Q Was there any conversation on the subject I have asked you about, about the purpose of this card? A Yes.

Q What was it? A To get an election in for a union.

Q Did he tell you that the card was to be used only for the purpose of getting an election? A He didn't say nothing about "only."

Q You don't remember any word "only"? A No.

Q Did he tell you that you could vote either way? A Yes, he did.

Q Did he tell you that if the union "won" that it could come in? A He did. I already knew that.

Q. And that if it lost, it would not? A. No, I don't think he said anything about that.

[fol. 238] Q. The man who asked you to sign the card, did he tell you that it would be secret, or anything to that effect?

MR. COWHERD: Objection.

TRIAL EXAMINER: Sustained.

Q. (By Mr. Hamlin) Did he tell you that it would be shown only to the Labor Board?

TRIAL EXAMINER: I thought that stipulation

MR. HAMLIN: I don't know to what extent that stipulation extends, Your Honor, and I am fearful about the record.

TRIAL EXAMINER: I assure that I—I don't know how I can say it any more plainly but it may be understood that you asked that question and the other question concerning the secrecy of every witness, and that I sustain an objection.

MR. HAMLIN: All right, sir.

TRIAL EXAMINER: I don't know how I can make it any plainer than that.

MR. HAMLIN: Then it isn't a matter of the form of the question; your ruling extends to that area of inquiry.

TRIAL EXAMINER: Yes, to the question which you just now asked of this witness, the two questions pertaining to any statement made that the card would be kept a secret and it would only be disclosed to the Board.

[fol. 243] Q. (By Mr. Cowherd) Mr. Slate, I believe you said that your foreman was Ernest Curry, is that correct? A. That is.

Q. Was he your foreman back in 1964 when the union campaign was going on? A. He was on first shift.

Q. And were you on first shift? A. No, sir, I was on night time.

Q. You were on night time? A. Yes.

Q. Now had any foreman or supervisor talked to you about the union, at that time, along about that time? A. In a way he did.

TRIAL EXAMINER: In a way he did?

THE WITNESS: Yeah.

Q (By Mr. Cowherd) Who is "he"? A Mr. Curry.

Q I see. And when was this? A Well, it was one evening about five o'clock; five-thirty.

Q And do you remember the date approximately? A No, sir, I don't.

Q You don't? A I think it was sometime along in July, the 4th of July, along in there sometime.

Q Was it before or after July 4th? Had there been a holiday? A Yes, sir.

Q Does that help you to remember? A I think it was before.

Q Before the fourth of July? A Yes.

Q All right, now, how did this conversation come up? A He come to the machine.

[fol. 245] Q While you were working? A Yes, sir.

Q And how did he happen to be working on the same shift that you were? A Well, he doesn't usually leave until about 5:30 or 6:00 o'clock.

Q I see. He works overtime? A No, he don't come until eight in the morning.

Q He stays over through two shifts? A Part of it.

Q Part of the second shift? A Right.

Q I see. Now what was it that Mr. Curry told you?

A He come by and asked me had a man been by to see me.

Q I see, and what man was he referring to? A The union representative.

Q And what did you tell him?

MR. HAMLIN: I move to strike that last answer. There is no indication that Mr. Curry said who he was referring to.

TRIAL EXAMINER: I will hold ruling in abeyance, and see what develops here.

Q (By Mr. Cowherd) Mr. Slate, what was your reply to him? A I asked him if he was talking about a man from the union, and he said, "Yes", and I told him, "No."

Q You told him, "No"? A That the man hadn't been by to see me.

Q I see.

TRIAL EXAMINER: In the light of this testimony, the motion will be denied, or the objection will be overruled.

[fol. 250]

BILLY DON BROWN

[fol. 254] Q (By Mr. Hamlin) You have described Mr. Ohan as the person who solicited you to sign the card? A He asked me would I sign the card, yes.

Q Did Mr. Ohan ask others to sign cards?

MR. COWHERD: I didn't hear the question.

Q (By Mr. Hamlin) Was Mr. Ohan asking others to sign cards? A I don't know.

Q Did you sign this and deliver it to him? A I signed the card, yes, he was in the car.

Q To whom did you give it? A I gave it to him.

Q Was there anybody in the car beside you? A I don't remember.

Q What did he tell you at the time you signed the card?

MR. COWHERD: Object.

TRIAL EXAMINER. Same ruling.

Q (By Mr. Hamlin) Did he tell you whether or not the cards were for the purpose of obtaining an election?

MR. COWHERD: Objection.

TRIAL EXAMINER: Same ruling.

MR. HAMLIN: I understand there is a stipulation about the secrecy question.

TRIAL EXAMINER: Yes.

MR. HAMLIN: That there would be the same ruling?

TRIAL EXAMINER: Yes.

Q (By Mr. Hamlin) Did he tell you that you could vote either way?

MR. COWHERD: Object.

TRIAL EXAMINER: Same ruling.

Q (By Mr. Hamlin) Did he tell you that the cards would be disclosed only to the Labor Board?

[fol. 258]

W. L. CHRISLEY

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q. (By Mr. Cowherd) Would you give your name and address for the record, please. A. W. L. Chrisley, 506 Flint Street, High Point; William Lawrence Chrisley.

Q. Mr. Chrisley, where are you employed? A. Now?

Q. Now. A. Pittsburgh Plate Glass.

Q. Mr. Chrisley, have you ever worked at the General Steel Products Company? A. I worked for Crown Flex.

Q. You worked for Crown Flex? A. Yes, sir.

Q. Of North Carolina, Incorporated? A. Yes, sir.

Q. Mr. Chrisley, when was this that you worked for the company? A. I worked for them about 18 months. I went to work in '61 or '62 and I worked for them until '64, until June or July of '64.

Q. Mr. Chrisley, while you were employed at the Crown Flex Company, did you ever sign a Union card? A. Yes.

Q. For the Upholsterers' International Union? A. Yes.

Q. Of North America? A. Yes.

Q. Did you read the card first before you signed it? A. Yes.

Q. I show you General Counsel's Exhibit marked for identification 6(n) and ask you if you can identify this card.

(The document above-referred to was marked General Counsel's Exhibit No. 6(n) for identification.)

A. Yes, that is the one I signed.

Q. (By Mr. Cowherd) Is that your signature? A. Yes, sir.

[fol. 260] Q. Is that the date on which you signed it? A. I wouldn't say for sure about the date.

Q. Did you fill out the card, sir? A. Yes, sir.

Q. Did you write everything on the card? A. Yes, sir.

Q Let the record show that the date on the card is July 22, 1964.

TRIAL EXAMINER: Well, did you write the date on there too?

THE WITNESS: Sir?

TRIAL EXAMINER: Did you write the date on there?

THE WITNESS: Yes, sir. I wrote the date but I couldn't say what date it was, what month.

Q (By Mr. Cowherd) Mr. Chrisley, did you write the date on the card at the same time that you signed it?

A Yes, sir.

Q Mr. Chrisley, did you put the date on the card at the time you signed the card, the date? A It was at night when I signed it.

MR. HAMLIN: I couldn't hear that.

TRIAL EXAMINER: It was at night.

THE WITNESS: It was at night, in the evening, I put the date on it.

Q (By Mr. Cowherd) And you put it on the same day? A Yes, sir, that evening.

MR. COWHERD: I offer into evidence General Counsel's Exhibit 6(n).

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Where were you when you signed this, sir? A Sitting on my front porch.

Q Did someone call on you and ask you to sign it? A Yes, sir.

Q Who? A Mr. Brown and that man sitting beside of him.

Q Is that Mr. Napolean Brown? A Yes, sir, that colored fellow.

Q And the man beside him, which side? The one towards the aisle? A Yes, sir.

Q Mr. Ted Davis? A That's right.

Q Are they officials of the union? A I imagine that they are.

MR. WILLIAMSON: We will stipulate that they are.

Q (By Mr. Hamlin) Did Mr. Brown or Mr. Davis

tell you what the purpose of the card was when they asked you to sign it? A No, I knew what it was for.

Q Now— A I signed it, I figured I was joining the union when I signed it.

Q Did they tell you anything about it at that time?
A No.

[fol. 273]

JONAH C. GATES

TRIAL EXAMINER: Come around to be sworn.
was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Be seated and give us your full name and address, please.

THE WITNESS: Jonah C. Gates, Route 5, Winston-Salem.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Gates, have you ever been an employee of General Steel Products Company? A I was.

Q In High Point? A Right.

[fol. 275] Q (By Mr. Cowherd) I show you General Counsel's Exhibit marked for identification 6(p) and ask you if you can recognize that document. A Yes, I can recognize it.

Q What is it? A It is a union card.

Q Did you read the union card before you signed it?
A I did.

Q Did you put the date on there when you signed it?
A I most certainly did.

Q What is that? A The date of it?

Q Yes. A 8-13-64.

Q And that is your signature, sir. A Nobody else's.

TRIAL EXAMINER: Well is it yours?

[fol. 276] THE WITNESS: It is mine.

TRIAL EXAMINER: All right.

MR. COWHERD: I offer General Counsel's Exhibit marked 6(p) into evidence.

TRIAL EXAMINER: What date did you sign it?

THE WITNESS: 8-13-64.

VQIR DIRE EXAMINATION

Q (By Mr. Hamlin) Is all of the writing other than the exhibit number on this card yours? A That is my scribbling.

Q Including the date? A That's right.

Q What department were you in? A 23.

Q Who approached you with regard to signing the card? A Well, about 35 or 40 other people; which one I just couldn't put my finger on.

Q For which one did you sign this card? A Ted Davis.

Q Did Mr. Davis say anything to you in your presence about the purpose of the card? A He asked me did I know what it was and what it stood for and I told him, yes, I did.; and he said, "Put your name here," And I did.

Q Was that the total conversation? A That's right.

[fol. 277] Q (By Mr. Hamlin) Were you told by anyone that the card would be presented to the Labor Board to secure an election?

MR. COWHERD: Objection.

TRIAL EXAMINER: Sustained.

Q (By Mr. Hamlin) Were you told by any - that the cards would be disclosed to no other, to n - e else except the Labor Board?

MR. COWHERD: Objection.

TRIAL EXAMINER: Same ruling.

[fol. 278] MR. HAMLIN: The secrecy question.

TRIAL EXAMINER: I didn't hear you.

MR. HAMLIN: The same understanding as to the secrecy question.

TRIAL EXAMINER: Yes.

REDIRECT EXAMINATION

Q (By Mr. Hoffman) Mr. Gates, you were an observer at the election, were you not? A That's right.

[fol. 282] TRIAL EXAMINER: Now before you talked with the government man, did you know that you were going to be an observer at the election?

THE WITNESS: A few days before, yes.

TRIAL EXAMINER: And where did you find that out, who told you that?

THE WITNESS: Ted Davis.

[fol. 292] NORMAN SMITH

was called as a witness by and on behalf of the General Counsel and, after having first been duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give your full name and address, please.

THE WITNESS: Norman H. Smith, 2305 Delaware Street.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Smith, have you ever worked for General Steel Products Company? A Yes, sir.

Q What was your job? A I was a job inspector.

Q Inspector? A Yes, sir.

MR. COWHERD: I would like to have this marked for identification.

(The document above-referred to was marked General Counsel's Exhibit No. 6(q) for identification.)

[fol. 293] Q (By Mr. Cowherd) What department did you work in? A I don't remember the number of the department. I know that I worked under Ivan Simpson.

Q Mr. Smith, I show you General Counsel's Exhibit

marked for identification 6(q) and ask you if you can identify that document. A Yes, sir.

Q Is that your signature on that? A Yes, sir.

Q What is it, what is the document? A Well.

TRIAL EXAMINER: It will speak for itself.

Q (By Mr. Cowherd) Did you read that document before you signed it? A Yes, sir.

Q And did you write the date on there? A I am not sure. My wife could have written that date.

Q Was it dated at the same time you signed it? A Yes, sir.

MR. COWHERD: Let the record show that the date on the card is August 1, 1964. I offer General Counsel's Exhibit 6(q).

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) What part of the writing on here is your writing, Mr. Smith? A That is my signature.

That is all mine. The other part, my wife.

Q The other part your wife wrote? A Yes, sir.

Q All right. A I am not sure about the date. I don't know where I wrote the date or not.

Q Are you sure whether the date was written on it at the time? A Well.

Q That you signed it? A At the time I signed my name the date was put in there.

Q Who solicited you to sign this card? A One of the union officials.

Q Which one, which union official? A Ted Davis I believe.

Q Was there anyone present beside you and your wife? A No.

MR. WILLIAMSON: Mr. Examiner, I wonder if counsel and the witness can speak up. I have a little difficulty hearing.

MR. HAMLIN: I will be glad to.

Q (By Mr. Hamlin) What did Mr. Davis tell you about the purpose of the card at the time he gave it to

you to sign? A He just showed it to me and asked me if I knew what it was and I told him, "yes." He asked me if I would sign it and told him, "yes."
[fol. 295] Q Did you read it? A My wife read it to me.

Q Are you able to read, sir? A Some, not too good.

Q Are you able to read well enough to understand the text on this card? A Yes.

Q Would you attempt to read it.

MR. COWHERD: Louder.

A I can't read it all.

Q (By Mr. Hamlin) A little louder, please. A I do hereby; I can't read it all; some I can read and some I can't.

Q All right, sir. Did Mr. Ted Davis say anything else to you about the card at the time he called on you to sign it? A No.

Q Did he tell you that the card would be used to obtain an election? A Well, I am not sure. It has been so long ago.

Q Did he tell you that you were naming the union to represent you? A He might have, I don't know.

Q You don't remember that? A No.

Q Did he tell you that you could vote either way in the election even though you signed it?

MR. COWHERD: Objection.

TRIAL EXAMINER: Sustained.

Q (By Mr. Hamlin) Did he tell you that the matter would be settled by a secret ballot?

MR. COWHERD: Objection.

Q (By Mr. Hamlin) Or anything like that?

TRIAL EXAMINER: Same ruling.

MR. HAMLIN: The same questions, Your Honor, as to secrecy?

TRIAL EXAMINER: Yes, the same understanding.

MR. HAMLIN: We object.

TRIAL EXAMINER: Is it offered?

MR. COWHERD: Yes. I think I offered it when I finished.

TRIAL EXAMINER: I see. You say your wife read something to you from this card?

THE WITNESS: Yes, sir.

TRIAL EXAMINER: What is the substance of what she read to you?

THE WITNESS: Oh, I can't remember all of that because it has been a long time ago, and I almost forgot about it.

TRIAL EXAMINER: What did you think that you were doing when you signed that card?

[fol. 297] MR. HAMLIN: Objection.

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: You may answer. What did you intend doing by signing that card?

MR. WILLIAMSON: May I be heard on this?

TRIAL EXAMINER: How is that?

MR. WILLIAMSON: May I be heard?

TRIAL EXAMINER: Yes.

MR. WILLIAMSON: My understanding is that you are not allowed to go into the witness' subjective—

TRIAL EXAMINER: I am aware of that rule, but in view of the fact that he can't read, that he apparently cannot read well enough, and that it was read to him by his wife, I think that is an altogether different circumstance. And that is why I want to find out what it was he thought he was doing when he signed that card.

MR. WILLIAMSON: Well, sir, there is testimony that the wife did read the card to him.

TRIAL EXAMINER: How does he know whether she read it to him?

MR. WILLIAMSON: Well,

TRIAL EXAMINER: That is the reason I asked the question.

MR. WILLIAMSON: That is what he testified to.

TRIAL EXAMINER: How is that?

MR. WILLIAMSON: That is what he testified to.

TRIAL EXAMINER: I know, but how does he know whether she actually read what was on that card as it appears here today?

MR. WILLIAMSON: Well, I suppose she could have recited "Mary had a little lamb" or something.

TRIAL EXAMINER: That's right.

* * *

[fol. 299] TRIAL EXAMINER: Is there any reason why your wife can't come to here?

THE WITNESS: Well, no. But I think; well, I am not supposed to think.

TRIAL EXAMINER: In the present state of the record, I don't know what his wife read to him. If you are willing to leave it rest there, then I am satisfied.

MR. WILLIAMSON: Well, no, sir, if you are not satisfied about whether his card reflects that he chose the union for his collective bargaining agent, we certainly intend to bring another witness.

TRIAL EXAMINER: Well, see, that is up to you.

MR. WILLIAMSON: All right, sir.

TRIAL EXAMINER: Is there anything further?

MR. COWHERD: Not from this witness.

MR. WILLIAMSON: Not from this witness.

TRIAL EXAMINER: Well, for the time being, I will withhold ruling on the admissibility of the 6(q).

* * * * *

[fol. 317] MR. WILLIAMSON: As previously stated, I will make no objection to testimony concerning what a card-signer was told by the person who induced him to sign the card at the time of the signing without reference to whether such person inducing a signature was a union organizer or any other person.

* * * * *

[fol. 318] JOHN LEROY JACOBS

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: State your full name and address for the record.

THE WITNESS: John Leroy Jacobs, 536 Royal Street.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Jacobs, have you ever worked for or been employed by General Steel? A Yes, sir.

Q When was that? A October 1, 1963.

Q Did you work there during the time that the union organizing campaign was going on at General Steel? A Yes.

Q At the plant there? A Yes.

Q What was your job? A Spinner.

Q Who was your foreman? A Ivan Simpson.

MR. COWHERD: I would like to have this marked, for identification.

TRIAL EXAMINER: General Counsel's Exhibit Number 6(s).

(The document above-referred to was marked General Counsel's Exhibit No. 6(s) for identification.)

Q (By Mr. Cowherd) Mr. Jacobs, I show you General Counsel's Exhibit Number 6(s) and ask you if you can identify that document. A Yes, sir, that is my handwriting, all but on the bottom.

MR. COWHERD: Let the record reflect that the company's name is written to where the witness is pointing, General Steel Products, Inc.

Q (By Mr. Cowherd) Now, Mr. Jacobs, did you read the card before signing it? A No, sir.

Q Did someone read it to you? A Yes, sir.

Q Who read it to you? A Ted Davis.

• TRIAL EXAMINER: Who?

THE WITNESS: Ted Davis.

Q (By Mr. Cowherd) Does the date on that card reflect the date on which you signed the card?

MR. HAMLIN: Objection.

TRIAL EXAMINER: When did you sign the card?

[fol. 320] THE WITNESS: In April or July 1 when I signed.

MR. WILLIAMSON: Can we ask if the date on the card refreshes his memory?

TRIAL EXAMINER: Yes.

Q (By Mr. Cowherd) Does the date on the card refresh your memory as to when you signed it? A No, sir, it don't.

Q Would you add the date on the card. A 6-12-64.

Q Was the date put on the card when you signed it?
A No.

MR. MARTIN: Objection.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Are you able to read? A A little bit.

Q Can you read the text of that card? A I can read it at the top.

Q Do you know what it says in fine print here? A No.

Q So when you signed the card, you signed the card after it was read aloud, purportedly read aloud by Mr. Davis? A Yes, sir, Mr. Davis.

Q You had no way of knowing whether he read it correctly or not? A Yea, sir, it was correct.

Q You have no way of knowing? A Yes, sir, it was correct the way he read it.

Q But you didn't read the card? A No, sir. I can read a little bit.

Q Did Mr. Davis tell you what these cards were for? A Yes, sir.

Q Did he tell you that they would be used to obtain an election? A Yes, sir.

Q Did he tell you that they would be used just to obtain an election? A He said they would be used to get the union in.

[fol. 322] Q (By Mr. Hamlin) Was there anything said to you about what the cards would be used for, what purpose would be served if you signed one? A To represent us.

[fol. 327] ROY GILLILAND

was called as a witness by and on behalf of the General Counsel and, after having first been duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Will you give us your full name and address, please.

THE WITNESS: Roy Gilliland, 427 South Elm Street.
MR. MARTIN: What is your middle initial?
THE WITNESS: Daniel, "D".

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Gilliland, have you ever worked at General Steel Products Company? A Yes, sir.

[fol. 328] Q Did you sign a union card while you were working at General Steel? A Yes, sir.

Q While you were working at General Steel? A Yes, sir.

Q I show you General Counsel's Exhibit marked for identification 6(t) and ask you if you can identify this card. A Yes.

Q Is that your signature on the card? A Yes, sir.

[fol. 329] TRIAL EXAMINER: When did you sign this card that you have in your hand now?

THE WITNESS: About July.

TRIAL EXAMINER: Were you working at the plant at that time?

THE WITNESS: Yes, sir.

[fol. 331] Q (By Mr. Cowherd) Did anyone read this card to you? A Yes.

Q Who was that? A George O'ham.

Q He read it to you? A Yes, sir.

Q Do you recall what he said when he read it? A No, sir.

MR. COWHERD: You may voir-dire.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) You don't remember just what Mr. O'ham said to you when he got you to sign the card? A No, sir.

Q Did he tell you that there would be an election?
A No, sir.

Q Did he tell you that you could vote either way? A Yes, sir.

Q Were you told that the fact you signed the card would be kept secret or confidential, or anything like that?

A No, sir.

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Sustained.

[fol. 333] TRIAL EXAMINER: I don't recall whether you asked him. Can you read?

THE WITNESS: No, sir.

MR. COWHERD: We will reserve offering it until we can have Mr. O'ham here.

TRIAL EXAMINER: All right, we will reserve on this. I will reserve ruling on that.

[fol. 334] MANUEL J. MASHBURN

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Would you give us your full name and address, please.

THE WITNESS: Manuel J. Mashburn, 1124 Tryon Street, High Point.

MR. MARTIN: What was the address?

THE WITNESS: 1124 Tryon Street.

TRIAL EXAMINER: Speak up loud, please.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Mashburn, have you ever been employed at General Steel Products Company in High Point? A Yes, sir.

Q Were you employed there during the time the union campaign was going on? A Yes.

Q What was your job? A Rivet machine operator.

Q And who was your foreman? A Walter Parish.
Q Mr. Mashburn, I show you General Counsel's Exhibit marked for identification 6(u) and ask you if you can identify this document.

(The document above-referred to was marked General Counsel's Exhibit No. 6(u) for identification.)

Q (By Mr. Cowherd) This card? A Yes.
Q Is that your signature on the card? A Yes, sir.
Q Did you read the card before you signed it? A Yes, sir.
Q Mr. Mashburn, what was the date that you signed this card? A 7-17-64

[fol. 338] ALBERT L. TAYLOR

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address and speak out loud, please.

THE WITNESS: Albert Lester Taylor, 206 Allen Jay Road, High Point, North Carolina.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Taylor, have you ever been an employee of General Steel Products Company? A I have.

Q Did you work there during the summer of 1964? A I did.

Q What was your job, sir? A Punch press operator.

Q And who was your foreman? A Thomas Allen.

Q Now were you working there in August last year? A Yes, sir.

MR. COWHERD: I would like to have this marked for identification.

TRIAL EXAMINER: 6(v).

(The document above-referred to was marked General Counsel's Exhibit No. 6(v) for identification.)

Q (By Mr. Cowherd) I show you General Counsel's Exhibit Number (v), marked for identification as 6(v), and ask you if you can identify this card. A I can.

Q Is that your signature, sir? A Yes, sir.

Q Did you read the card before you signed it? A Yes, sir.

TRIAL EXAMINER: When did you sign it?

THE WITNESS: 6-4-64.

[fol. 341] Q (By Mr. Hamlin) Did Mr. Davis make a speech before you signed this card? A Yes, sir.

Q In this speech did he say he was seeking to get an election in the plant, or anything to that effect? A Yes, sir.

Q Did he tell you that you would be free to vote either way even though you signed the card? A I don't recall, sir.

Q Did he tell you that these cards were just to get an election? A I do not recall, sir.

Q Did he tell you that except for getting an election the cards would be kept secret or confidential, or anything to that effect? A Yes, sir.

[fol. 348] WILLIAM D. MOSS

was called as a witness by and on behalf of General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address.

THE WITNESS: William D. Moss, Route 5, Box 24, High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Moss, have you ever worked at General Steel Company in High Point? A Yes, sir.

Q Did you work there— A Crown Flex.

[fol. 350] Q Is that your signature on the card? A That's right.

Q Did you read the card before you signed it? A Yes, sir, I did.

Q And what date did you sign it? A 7-10-64.

[fol. 354] Q (By Mr. Cowherd) Mr. Moss, I believe you testified that you were working at Crown Flex, is that right? A That's right.

Q Now who was your foreman again, please? A Francis Amos, second shift.

Q Now who is Mr. Amos' boss? A I think Ernest Curry is.

Q Now, Mr. Moss, has any company official or supervisor or foreman talked to you about the union? A Yes.

Q Who was that that talked to you? A Ernest Curry.

Q When did this happen? A Around July 23 I think it was.

Q About July what? A Around July 23 I think it was.

Q What year was that? A '64.

Q Back during when the union was organizing? A That's right.

Q Now what was it that Mr. Curry said to you? A Well, he come over to my machine and asked me if I had heard anything about the union, and I told him, "No".

He said that if Frank Hoffman found out that anyone was for it or anything like that, that Frank would fire them.

Q Now were you working at the time? A Yes, sir.

Q That this took place in the plant? A Yes, sir.

Q And did you go to him or did he go to you? A He come by my machine.

Q Now after this, did anyone talk to you about, did any foreman or supervisor talk to you about the union?

A Well, the day after that, Harold Lewis, who was working at the next machine, he said he heard the union was back out there again, and if anyone tried to get me to join or anything like that for me not to have anything

to do with it; and he said if Frank Hoffman found out anybody was for it that he would probably fire them.

Q Well, did this end the conversation? A That is all that I can remember.

Q And where were you when you had this conversation with Mr. Lewis? A I was working at the machine.

Q And who is Mr. Lewis? A I think he is the foreman on the Burflex machines on the day shift.

Q What is his first name? A It is R. H. Lewis.

[fol. 361]

EUGENE HEATON

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address, please.

THE WITNESS: My name is Eugene Heaton. My address, 500 South Elm, High Point, North Carolina.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Heaton, have you ever been an employee of General Steel Products, Inc? A Yes, sir.

Q In High Point? A Yes, sir.

Q Were you employed there during the year 1964? A Yes, sir.

Q Were you employed there in August of 1964? A Yes, sir.

Q Were you employed there in July of 1964? A Yes, sir.

Q What was your job back in those months? A Spring up.

Q And who was your foreman? A Richard Davis.

Q Mr. Heaton, I show you General Counsel's Exhibit marked for identification 6(z) and ask you if you will identify that card.

(The document above-referred to, was marked General Counsel's Exhibit No. 6(z) for identification.)

A Yes, sir.

Q (By Mr. Cowherd) Is that your signature on the card? A Yes, sir.

Q Did you read the card before you signed it? A Yes, sir.

Q And what was the date that you signed the card?

A July 23, 1964.

MR. COWHERD: I have no further questions.

I offer General Counsel's Exhibit 6(z) into evidence.

VOIR DIRE EXAMINATION

(BY MR. HAMLIN)

[fol. 364] Q He told you that the cards would be used just to get an election? A No, sir.

[fol. 365]

DIRECT EXAMINATION RESUMED

Q (By Mr. Cowherd) Mr. Heaton, who is your foreman? A Then?

Q Yes, then. A Well, Richard Davis.

Q Is he still your foreman? A No, sir.

Q Did you vote in the election? A No, sir.

Q Were you working there during the time of the election? A No, sir, I had some problems at home in Tennessee and so I had to be there. I left about two weeks before the election, a week to two weeks.

Q Now, Mr. Heaton, while you were working there, did any foreman talk to you about the union? A Yes, sir.

Q And who was that? A Richard Davis.

Q And when did this occur? A Two weeks before the election, two or three weeks.

Q Now where were you when this conversation took place? A Me and my buddy were working at springing table.

Q Who is your buddy? A Walter Lewis.

Q And would you tell us how the conversation started.

A Well, he come down to the table.

Q When you say "he", who are you referring to? A Richard Davis, our foreman.

Q All right. A And asked us how we were going to vote; we told him that we were going to vote "Yes"; he said, "Well, if you do, I will fire you"; and laughed and walked off.

[fol. 367] CROSS EXAMINATION

[fol. 368] Q (By Mr. Hamlin) At the time Richard Davis told you this you already knew from company officials, Mr. Clapper, or Mr. Hoffman, or someone else that the company would not fire you for voting for the union, did you not? A I didn't believe that they would fire us it being that close to the election.

MR. HAMLIN: You may examine.

REDIRECT EXAMINATION

[fol. 369] Q (By Mr. Cowherd) Did you have any belief that you would be fired?

MR. MARTIN: Objection.

Q (By Mr. Cowherd) At all?

MR. MARTIN: Objection.

TRIAL EXAMINER: Based on what you had been told.

Q (By Mr. Cowherd) Based on what you had been told?

MR. MARTIN: Objection.

TRIAL EXAMINER: He may answer.

A Well, I believe that afterwards that if they had found it out, and he would tell them that, if they had knew that I had voted for the union, I believe they would have fired me.

MR. HAMLIN: Move to strike the answer.

TRIAL EXAMINER: The motion will be denied.

MR. COWHERD: No further questions.

RECROSS EXAMINATION

Q (By Mr. Hamlin). The last question, as I recall it, I believe was based on what you had heard, did you have a belief about this matter. What were you referring to that you had heard when you recited your belief? A What my boss man had told me?

Q What were you referring to that you had heard—
A Well, from what he had told us at the table, I believe he would have fired us afterwards.

Q You stated in the beginning of your testimony, did you not, sir, that you did not believe that at the time?
A Not being that close to the election, I didn't believe they would fire me at the time.

[fol. 397]

ROGER C. DAVIS

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address, please.

THE WITNESS: Roger C. Davis, Winston-Salem, North Carolina.

DIRECT EXAMINATION

Q (By Mr. Williamson) Mr. Davis, for whom do you work? A For the Eleventh Region, National Labor Relations Board.

Q And what position do you hold in the Eleventh Regional Office, sir? A I am Office Manager.

Q Could you outline for us briefly, very briefly, sir, what the duties of the Office Manager are. A The Office Manager is in charge of all the administrative, clerical procedures in the Regional Office.

Q All right, sir. Mr. Davis, what can you tell us about the practice of the Regional Office as it involves incoming documents? A All incoming documents are given to the Mail and File Clerk who stamps them immediately upon receipt with an electric time stamp which we have.

Q I show you a card marked General Counsel's Exhibit 6(u) and ask you if you recognize the stamp on the back of that card, sir. A Yes, sir.

Q What does that say? A This is our date stamp that goes on every document that comes in our office.

Q Are the documents stamped the same day that they are received? A They are stamped immediately upon receipt on the same day.

Q Does the stamp reflect the time of day, morning or afternoon, that the documents are received? A Yes, sir.

Q All right. A The time, the month, the day, and the year.

Q All right, sir. How long have you been Office Manager in the Eleventh Region, Mr. Davis? A 12½ years.

Q And you are still Office Manager? A Yes, sir.

Q How long have they had that time stamp machine there? A This particular stamp since May of 1964.

[fol. 403] Q (By Mr. Williamson) When union authorization cards are brought into the Regional Office, Mr. Davis, what is the routine whereby they are handled? A These cards are given to the Docket Mail and File Clerk; they are date-stamped; they are then counted; they are then acknowledged by letter, receipt of them, to the person that brings them in, an index card is then made giving the case name, the number, the number of the case, the number of cards which were submitted, who submitted the cards for the purposes of returning them; they are then put in the File Room in a File Drawer that is designated for authorization cards.

[fol. 412] JAMES B. TAYLOR

was sworn as a witness, having been called as a witness by and on behalf of the General Counsel, and after having been duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give your full name and address, please.

THE WITNESS: James B. Taylor, 900 Putnam Street, High Point, North Carolina.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Taylor, have you ever been an employee of the General Steel Products Company in High Point? A Yes, sir.

Q Were you an employee back in August of last year? A Yes.

Q Were you employed during the month of, were you an employee during the month of July, 1964? A Yes, part of it.

Q Now, Mr. Taylor, who was your foreman over there? A I had two different ones, Richard Hill and Bobby Sparks.

Q And what was your job, sir? A Punch press operator.

Q Mr. Taylor, I show you General Counsel's Exhibit marked for identification 6(a) (2) and ask you if you can identify this document or card? A Yes, sir.

Q Is that your signature on the card, sir? A Yes, sir.

Q Did you read the card before you signed it? A Yes, sir.

Q And what date did you sign it, the card? A 7-14-64.

(The document above-referred to was previously marked General Counsel's Exhibit No. 6(a) (2) for identification.)

MR. COWHERD: I offer General Counsel's Exhibit marked 6(a) (2) into evidence.

VOIR DIRE EXAMINATION

[fol. 415] (BY MR. HAMLIN)

Q How did you come to get the card? A George O'ham gave it to me.

Q Did he give it to you or did you ask him for it? A He gave it to me, I read it and signed it.

Q And he told you nothing about what it was? A No.

MR. HAMLIN: That's all.

TRIAL EXAMINER: Is there any objection to the card?

MR. HAMLIN: No.

JAMES BODIFORD

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Cowherd) Will you state your name and address for the record. A Jimmy Bodiford, 620 South Elm Street, High Point.

Q Mr. Bodiford, have you ever been an employee of the General Steel Products Company in High Point? A Yes.

Q Were you an employee back in the month of August, 1964? A Yes.

Q Were you an employee during the month of July, 1964? A Yes.

Q What was your job? A Spinner operator, automatic operator.

Q And who was your foreman? A Jim Riggsbee and Wayne.

MR. HAMLIN: I can't hear the witness.

MR. COWHERD: He said, "Wayne."

MR. COWHERD (continuing): I would like to have this marked for identification.

TRIAL EXAMINER: General Counsel's 6(a)(3).

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(3) for identification.)

Q (By Mr. Cowherd) Mr. Bodiford, I show you General Counsel's Exhibit marked for identification 6(a)(3) and ask you if you can identify this card. A Yes, sir, I can.

Q Is that your signature on the card? A Yes, sir.

Q What date did you sign the card? A 7-20-64.

MR. HAMLIN: What is the number?

TRIAL EXAMINER: 6(a)(3).

MR. COWHERD: I offer General Counsel's Exhibit marked 6(a)(3) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Mr. Bodiford, you came to work there in July? A That's right.

Q When did you leave? A Sometime in January, 1965.

Q 1965? A Yes.

Q You are not the Bodiford who works in the plant? A No, I have a brother and cousin now.

Q Is there someone named Gene Bodiford there? A That is my brother.

Q Mr. Bodiford, what part of the writing on this card [fol. 418] was done by you? A I believe every bit. I wrote my name and the date.

Q Including the date? A General Steel.

TRIAL EXAMINER: A little louder, please.

Q (By Mr. Hamlin) The initials GBK appearing on the back, do they have any significance to you? A Not as I recollect.

Q To whom did you talk about signing this card before you signed it? A Well, I talked to my brother about it.

Q Anyone else? A And the man who signed me up.

Q Who was that? A I know him when I see him. I believe it was Napolean Brown.

Q Napolean Brown? A Yes.

Q Did Mr. Brown tell you or did your brother tell you that these cards would be used to secure an election? A Not as I recollect, they did not.

Q Were you told that you would be allowed to vote either way even though you signed a card? A Yes, sir.

Q Did you tell him whether you had already made up your mind or not?

MR. COWHERD: Objection.

TRIAL EXAMINER: He may answer.

THE WITNESS: What was that now?

Q (By Mr. Hamlin) Did you tell them, either Mr. Brown or your brother that, whether you had already made up your mind about how to vote? A No, I had not at that time.

Q You had not at that time? A No, sir, I had not.

Q And which one of them assured you that you could

vote either way? A Both of them told me that I could vote either way. Nobody told me I couldn't vote one way.

TRIAL EXAMINER: I didn't hear what you said.

THE WITNESS: Nobody told me I couldn't vote one way; that I didn't have to vote one way; they all said I could vote any way I wanted to.

Q (By Mr. Hamlin) And did you tell them that you would make up your own mind? A That's right.

* * * *

[fol. 420] Q (By Trial Examiner) Can you read? A No, sir, I don't read too well; not enough to read it and understand it, I don't.

Q Did he read it out loud to you? A He read it aloud and I went along with him, the best I could, and looked.

* * * *

[fol. 422] RICHARD S. HOFFMANN

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Williamson) Mr. Hoffmann, will you state your name and address for the record. A Richard [fol. 423] S. Hoffmann, 1405 Cromwell Road, Byrn Mawr, Pennsylvania.

Q By whom are you employed? A The Upholsterers' International Union of North America.

Q And what position do you hold with them? A General Counsel.

Q Does the Upholsterers' Union, International Union of North America, is that an organization for the purpose of bargaining with employers on wages, hours, and terms, and other conditions of employment of their employees? A Yes, sir.

* * * *

DALE JACOBS

was called as a witness by and on behalf of the General Counsel, and having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address and speak out loud so that we can all hear you.

THE WITNESS: Dale Jacobs, 260 Proctor Road, High Point.

MR. COWHERD: I would like to have this marked for identification.

TRIAL EXAMINER: 6(a) (4).

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (4) for identification.)

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Jacobs, have you ever been an employee of the General Steel Products Company? A Yes, sir.

Q Of High Point? A Yes, sir.

Q Were you employed there during August, 1964? A Yes, sir.

Q Were you employed there during July, 1964? A Yes, sir.

Q What was your job, sir? A Spinning.

Q And who was your foreman? A Ivan Simpson.

MR. HAMLIN: Who is that?

THE WITNESS: Ivan Simpson.

Q (By Mr. Cowherd) Mr. Jacobs, I show you General Counsel's Exhibit marked for identification Number 6(a) (4) and ask you if you can identify this card. A Yes, sir.

Q Is that your signature on the card? A Yes, sir.

Q What is the date you signed the card? A 7-22-64.

Q And did you read the card before you signed it?

A Yes, sir.

MR. COWHERD: I offer General Counsel's Exhibit marked 6(a) (4) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Mr. Jacobs, you are not working at the company now? A No, sir.

Q How much of is written on the front of this card, was written by you? A My name, and that.

Q Your name and what? A All of it, I guess. I think it was. Yes, I am pretty sure it is.

[fol. 427] Q (By Mr. Hamlin) Did they tell you that they were getting cards signed just to get an election? A No.

Q Or anything like that? A No.

Q Did they tell you that you could vote either way? A Yes.

Q Did you tell them that you had not yet made up your mind how you would vote?

MR. COWHERD: Objection.

TRIAL EXAMINER: I will sustain the objection to that.

[fol. 428] Q (By Mr. Hamlin) Were you told that the cards would be kept secret or confidential? A That's right.

[fol. 430] WALTER ALESHIRE

was called as a witness by and on behalf of General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Take that chair and give us your full name and address, please.

THE WITNESS: Walter V. Aleshire, 114½ West Greene Street, High Point, North Carolina.

TRIAL EXAMINER: Walter what?

THE WITNESS: Walter Vernon Aleshire.

TRIAL EXAMINER: All right.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Aleshire, have you ever been an employee of General Steel Products Company in High Point? A Yes, sir.

Q Were you working there during the month of Au-[fol. 431] gust, 1964? A Yes, sir.

Q And what was your job, sir? A Sewing machine operator.

Q And who was your foreman? A Mr. Tommy Allen.

Q All right, Mr. Aleshire, I show you General Counsel's Exhibit marked for identification 6(a) (5) and ask you if you can identify that card. A Yes, sir.

Q Is that your signature, sir? A Yes, sir.

* * * * *

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Mr. Aleshire, what part of the writing on that card is yours? A Just the signature.

Q Who wrote the other matters that are on there? A Mr. Davis with my permission.

Q Did he put the address, 114½ West Greene? A Yes.

Q And so on? A Yes.

Q That is Mr. Davis' handwriting? A Yes.

Q Who put the date on here? A He did. He filled it all out, I had grease on my hands, and I didn't want to get the card dirty.

Q Did you get it back after he filled it out? A Yes. I read it and signed it.

Q After he filled it out? A Yes.

[fol. 433] Q (By Mr. Cowherd) Do you know when the union petitioned for an election? A Not the exact date, no.

Q Was it before or after you signed the card? A It was after.

[fol. 434]

JOSEPH ALLEN

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Have a chair there, and state your full name and address for the record.

THE WITNESS: Joseph Allen, Route 4, High Point.

MR. COWHERD: I would like to have this marked for identification.

TRIAL EXAMINER: 6(a) (6).

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (6), for identification.)

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Allen, have you ever been an employee of the General Steel Products Company of High Point? A For approximately seven years.

Q Mr. Allen, were you working back in the month of August, 1964? A Yes, sir.

Q And were you working there in the month of July, 1964? A I worked all 12 months of last year, 1964.

Q And what was your job, sir? A Spot welder.

Q And who was your foreman? A They changed several times; Tommy Parish; Ivan Simpson; several of them.

Q I show you General Counsel's Exhibit maked for identification 6(a) (6) and ask you if you can identify that card. A Yes, sir.

Q Is that your signature on the card? A That is my name and address.

Q And did you sign the card? A Yes, sir.

Q Did you read it before you signed it? A I don't read, I can't read. I can write my name, that's all.

Q Was it read to you? A It was read enough. I understood what it was. It was read enough to me that I understood what it was.

Q You knew what it was? A Yes, sir.

Q What was the date that you signed it? A 7-18-64.

TRIAL EXAMINER: Who read it to you?

THE WITNESS: Mr. O'ham started to, and I said he didn't need to read it all because I understood what it was.

MR. COWHERD: I offer General Counsel's Exhibit marked for identification 6(a) (6) into evidence.

TRIAL EXAMINER: What did you understand it to be?

THE WITNESS: AFL-CIO workers, to get a workers representative to represent us in a union.

[fol. 449]

DWIGHT BARLOW

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Your full name and address, please.

THE WITNESS: Dwight Wesley Barlow, 1426 Curtis Road, High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Barlow, have you ever been an employee of the General Steel Products Company?

A Yes, sir.

Q Were you employed there during the month of August, 1964? A Yes, sir.

Q Were you employed there during the month of June, 1964? A Yes, sir.

Q What was your job, sir? A Truck driver; deliver around town, shipping department.

Q Now who was your foreman? A Bob Simpson.

Q Now, Mr. Barlow, I show you General Counsel's Exhibit marked for identification 6(a) (8), and ask you if you can identify that card.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (8) for identification.)

A Yes, sir.

Q (By Mr. Cowherd) Is that your signature, sir? A Yes, sir.

Q What date did you sign that card on? A 6-10-64.

Q And you read the card before you signed it? A Yes, sir.

MR. COWHERD: I offer General Counsel's Exhibit 6(a) (8) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Are you with General Steel now? A Yes, sir.

[fol. 451] Q Did you write everything that is on the face of this card except the number at the top? A Yes, sir.

Q You do read? A Yes, sir.

Q Where did this happen, where were you at the time?

A At the time I signed the card?

Q Yes. A At my mother's house.

Q Who asked you to sign it? A Richard Hill.

Q Were you told the purpose for which the cards were being solicited? A Yes, sir.

Q At the time? A Yes, sir.

Q Were you told that the cards were being solicited just to get an election? A No, sir.

Q (By Mr. Hamlin) Were you told that there would be an election? A Yes, sir.

Q And that you would have a right to vote as you pleased? A Yes, sir.

Q And did you tell him that you had not yet made up your mind how you would vote?

MR. WILLIAMSON: Objection.

MR. COWHERD: Objection.

TRIAL EXAMINER: Sustained.

[fol. 453] JAMES BENSON

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Have a chair, and state your full name and address for the record.

THE WITNESS: James Benson, 502 West Ray Street, High Point.

MR. COWHERD: I would like to have this marked for identification.

TRIAL EXAMINER: General Counsel's Exhibit No. 6(a) (9).

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(9) for identification.)

DIRECT EXAMINATION

Q (By Mr. Cowherd). Mr. Benson, have you ever been an employee of General Steel Products Company in High Point? A Yes.

Q Were you employed there during the month of August, 1964? A Yes, sir.

Q What was your job there, sir? A Punch press operator.

Q And who was your foreman? A Richard Hill.

Q And Mr. Benson, I show you General Counsel's Exhibit marked for identification 6(a)(9) and ask you if you can identify that card. A Yes, sir.

Q Is that your signature? A Yes, sir.

Q What was the date that you signed that card? A 8-5-64.

[fol. 455] Q (By Mr. Hamlin) Go ahead and tell the conversation.

TRIAL EXAMINER: What did they say at that time?

THE WITNESS: They said that they were going to represent the union, they wished us to sign a card so that they could have an election.

Q (By Mr. Hamlin) Did they tell you that the cards were just to get an election? A Yes, sir.

Q Did they tell you that in the election you could vote either way you pleased? A Yes, sir.

Q What was the conversation in which they told you that, would you recite their words and yours? A You asked me that a while ago. I don't believe that I could do that.

Q Did they tell you that if the union won that you would have a union and that if it lost that you would not, or anything like that? A No, sir.

Q Did you tell them that you were not agreeing to support the union? A No, sir.

Q Did you tell them by signing the card you were not agreeing to be bound?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Sustained.

MR. HAMLIN: Exception.

A Yes.

MR. WILLIAMSON: I move that the answer be stricken.

TRIAL EXAMINER: It may be stricken.

MR. HAMLIN: We object to the card.

MR. COWHERD: I would like to ask one or two questions.

DIRECT EXAMINATION RESUMED

Q (By Mr. Cowherd) Mr. Benson, I believe you testified on that the union organizer, Mr. who? A Mr. Brown.

Q That Mr. Brown told you that the only reason he wanted you to sign a card was to get an election, is that true? A Yes.

MR. COWHERD: Mr. Examiner, I claim surprise on this witness based on a prior inconsistent statement.

TRIAL EXAMINER: Proceed.

MR. HAMLIN: We object.

Q (By Mr. Cowherd) Mr. Benson, did you give a statement to the Board Agent?

Have you ever given a statement to a Board Agent? A I don't know.

Q Did you talk to Mr. Williamson? A Yes.

Q Did he come to see you? A Yes, sir.

Q And did he show you your card? A Yes, sir.

Q And did he ask you some questions? A Yes.

Q And did he ask you to read this affidavit? A Yes, sir.

Q And tell you if it was, to tell him if it was true? A Yes, sir.

Q Did he swear you in? A Yes, sir.

Q And you swore that it was true? A Yes, sir.

Q Is this your signature, sir? A Yes, sir..

Q Is this the statement that you swore to? A Yes, sir.

Q Do you want to read it? A I can see it.

Q Referring your attention to the line right here, begin reading right there, please. A "I was not told that I was signing the card just so the Union could not have an election."

MR. WILLIAMSON: "Just so the Union could not have an election."

Q (By Mr. Cowherd) Do you want to read it again, please.

MR. HAMLIN: Object to the re-reading.

MR. COWHERD: I am not clear what it was that he read; if you would read it again.

TRIAL EXAMINER: Well, apparently counsel is in doubt as to what he read. I thought I understood it but if he didn't, go ahead, read it again.

THE WITNESS: "I was not told that I was signing a card just so the Union could have an election."

[fol. 459] MR. COWHERD: I offer this statement into evidence as General Counsel's—

Q (By Mr. Cowherd) Do you want to change your statement in the light of this affidavit, or do you want to change your testimony in the light of this statement? A No. The statement is right.

Q This statement is correct? A Yes.

TRIAL EXAMINER: You mean the statement you just read from the affidavit?

THE WITNESS: Now you done got me confused.

Q (By Mr. Cowherd) Does this refresh your memory as to what was actually told to you or was not told to you when you talked to Mr. Brown? A What I was told?

Q Yes, as to what you were told?

This is true? A Yes, sir.

TRIAL EXAMINER: When you say "this", you are referring now—

MR. COWHERD: I am referring to this affidavit that I have shown to this witness.

(The document above-referred to was marked General Counsel's Exhibit No. 10 for identification.)

MR. COWHERD: I offer the affidavit of James H. Benson into evidence as General Counsel's Exhibit Number 10.

MR. HAMLIN: We object.

TRIAL EXAMINER: It may be received.

[fol. 462]

EXAMINATION

Q (By the Trial Examiner) I would like to have you tell me exactly as you recall it, now what was said to you at the time you signed the card by either one of the two men, just tell me in your own words what was said. A Well, they came to the house, and said they they were representing the union, and if I wanted to sign a card, I don't know what else, because they said they would have an election.

Q Did they say anything else? A No, sir.

Q How long were they there? A About three or four minutes, maybe five.

[fol. 468]

MURRAY BRIM

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address.

THE WITNESS: Murray Brim, 1412 Long Street.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Have you ever been an employee of the General Steel Products in High Point? A Yes, sir.

Q Were you an employee there in August of 1964? A Yes, sir.

Q Who was your foreman? A Tommy Parrish.

Q Who? A Walter Parrish.

Q What was your job, sir? A Run a rigging press.

Q Mr. Brim, I show you General Counsel's Exhibit marked for identification 6(a)(11) and ask you if you can identify that card. A Yes, sir.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(11) for identification.)

Q. (By Mr. Cowherd) Is that your signature on the card? A. Yes, sir.

[fol. 471]

VOIR DIRE EXAMINATION

Q. (BY MR. HAMLIN)

Q. Can you read that card to the Trial Examiner. A. No, I am a slow reader.

Q. Are you able to read it? A. I could but I can't read too good.

MR. HAMLIN: We would like to ask that he attempt to read it.

THE WITNESS: No, sir. That is why I had my wife fill it out because I can't read too well.

MR. HAMLIN: Well, you have said that you read it before you signed it.

THE WITNESS: Yes, sir, but it took me a long time.

TRIAL EXAMINER: I didn't get that last part of the answer.

COURT REPORTER: He said "It took me a long time."

TRIAL EXAMINER: I see.

MR. HAMLIN: We would like to ask he read a few words, Your Honor.

TRIAL EXAMINER: Just try, see what you can do with it.

THE WITNESS: I can't, my eyes—

TRIAL EXAMINER: Well, you mean, it that because of your eyesight?

THE WITNESS: No, I am nervous.

TRIAL EXAMINER: Oh, you are nervous?

THE WITNESS: Yes. I can't read too good but I signed it, and I knowed what it was all about.

MR. HAMLIN: I couldn't hear the answer. What was it?

COURT REPORTER: "Yes. I can't read too good but I signed it, and I know what it was all about."

MR. HAMLIN: All right.

TRIAL EXAMINER: Well, what was it all about?

THE WITNESS: I signed it.

TRIAL EXAMINER: Speak up a little louder.

THE WITNESS: I signed it to join the union.

[fol. 473] MR. HAMLIN: What did you say?

THE WITNESS: I signed it to join the union.

MR. HAMLIN: You say you signed it to join the union?

THE WITNESS: That is why I signed it.

MR. HAMLIN: We will concede this card, Your Honor.

TRIAL EXAMINER: Anything further?

MR. WILLIAMSON: Nothing further.

TRIAL EXAMINER: All right. You may step down. It may be received, without objection.

WILMA BRYANT

was called as a witness by and on behalf of the General Counsel and, after having first been duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address for the record.

THE WITNESS: Wilma Bryant, 1105 Campbell.

MR. COWHERD: I would like to have this document marked for identification.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(12) for identification.)

MR. COWHERD: May we go off the record?

TRIAL EXAMINER: Off the record.

(Off the record discussion.)

TRIAL EXAMINER: On the record.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Have you ever been an employee of General Steel Products in High Point? A Yes, sir.

Q And were you employed there during the month of August, 1964? A Yes.

Q Were you employed there the whole month? A Yes.

Q What was your job? A Spinner operator.

Q Spinner operator? A Yes.

Q Now who was your foreman at the time? A Jim Riggsbee and Wayne Farrington.

Q Now, Mrs. Bryant, I show you General Counsel's Exhibit marked for identification 6(a)(12) and ask you if you can identify this card. A Yes, sir.

Q Is that your signature on the card? A Yes, sir.

[fol. 476] Q (By Mr. Hamlin) Did she tell you that these cards were being signed up just for the purpose of getting an election? A Yes, sir.

Q (By Mr. Cowherd) What was it exactly that you were told when Mrs. Jennings gave you the card to sign? A She said it would be better to have a union where we worked at.

Q Was this all that was said? A Yes.

Q Do you remember anything else about the conversation? A No.

[fol. 477] Q At that time she handed you the card? A Yes.

Q And is that when you signed it? A Yes, sir.

Q Right after those words? A Yes, sir.

MR. COWHERD: No further questions.

CROSS EXAMINATION

Q (By Mr. Hamlin) Was it she or someone else that told you that these cards were just to get an election?

MR. COWHERD: Objection.

TRIAL EXAMINER: She may answer.

Q (By Mr. Hamlin) Was it she or someone else? A
She is the one.

Q She is the one? A Yes, sir.

MR. HAMLIN: That's all.

EXAMINATION

Q (By the Trial Examiner) I am a little confused by your testimony here. In response to a question by the counsel, you said that you were told that the only reason for signing the card was to get an election? Now later on though when you were questioned by this other attorney, you were asked to give the whole conversation as to what took place at the time you signed the card. And then you said at that time the whole conversation consisted merely of a statement; well, tell me again what was said. A Well, she handed me the card, and I said, "Well, I don't know"; and she said, "If you sign, it would be better to have a union where we work"; and I said, "I will think about it" and then I said, "I will sign a card."

Q Well, was anything said at that time about an election? A She said it was better to have a union where we worked at. That is all she said.

Q And so nothing was said about an election at that time? A No, that is all that was said.

MR. COWHERD: Do you have any more questions?

MR. HAMLIN: I might.

MR. COWHERD: We are going to offer the card.

RECROSS EXAMINATION

Q (By Mr. Hamlin) Was it then or at some other time that you were told that these cards were just for the purpose of getting an election?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Sustained.

MR. HAMLIN: Exception. We object to the card.

TRIAL EXAMINER: Just a moment. Will you read that last question back to me, Miss Reporter.

(Question read.)

TRIAL EXAMINER: Do you understand the question?

[fol. 479] THE WITNESS: Yes, sir.

TRIAL EXAMINER: Can you answer it?

THE WITNESS: She handed me the card and told me that it would be better to have a union where we worked, and I told her I didn't know, and she said, "Think about it", and I did. I signed the card.

TEDDY BULLARD

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

MR. COWHERD: Would you state your name and address for the record, please.

THE WITNESS: Teddy Bullard, 2211 Hilton Court, High Point.

MR. COWHERD: I would like to have this marked for identification.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(13) for identification.)

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Bullard, have you ever been an employee of General Steel Products in High Point?

A Yes, sir.

Q Were you an employee there during the month of August, 1964? A Yes, sir.

Q Were you employed there during the month of July, 1964? A Yes, sir.

Q Now what was your job? A Machine Helper.

Q And who was your foreman? A Carroll Lewis.

Q And Mr. Bullard, I show you General Counsel's Exhibit marked for identification Number 6(a)(13) and ask you if you can identify that card. A Yes, sir, that is my signature.

Q That is your signature? A Yes, sir.

Q. What date did you sign the card? A. 7-21-64.
Did you read the card before you signed it? A. Yes.

[fol. 482] TRIAL EXAMINER: Give me the best you can what Mr. Aleshire told you at the time you signed the card.

THE WITNESS: Well, he asked me would I like to have a union come in, and I told him, "Yes"; of course, I didn't know nothing about a union when I came there, but when he told me about it, I liked it. He told me to sign a card to get a union to represent us and I did.

[fol. 483] JAMES R. CARLYLE

was called as a witness by and on behalf of the General Counsel, and, after having first been duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address for the record.

THE WITNESS: James R. Carlyle, 316 South Hamilton, High Point.

DIRECT EXAMINATION

Q. (By Mr. Cowherd) Mr. Carlyle, have you been, ever been an employee of General Steel Products in High Point? A. Yes, I have.

Q. Did you work there during the month of August, 1964? A. Yes.

Q. Did you work there in July of '64? A. Yes.

Q. What was your job? A. Fab machine operator.

Q. And who was your foreman? A. Richard Davis.

Q. Now, Mr. Carlyle, I show you General Counsel's Exhibit marked for identification Number 6(a) (14) and ask you if you recognize that card.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (14) for identification.)

A. I do.

Q (By Mr. Cowherd) Is that your signature on the card? A It is.

[fol. 486] A I attended a meeting before I signed that card.

Q How long before? A I wouldn't say because I really don't know.

Q Was it more than a month? A Well, it could have been a month. In fact, I didn't know too much about a union until it was just about over with.

Q What's the longest meeting was before this, two months?

MR. WILLIAMSON: He has already testified as to that.

Q (By Mr. Hamlin) Can you give us your best estimate.

MR. WILLIAMSON: He has testified that he doesn't remember.

TRIAL EXAMINER: Give us your best estimate as to how long before the election, before you signed the card.

THE WITNESS: Oh, I would say 30 days as a rough guess.

Q (By Mr. Hamlin) Was anything said at that meeting to the effect that cards were being signed just to get an election out there?

MR. COWHERD: Objection.

TRIAL EXAMINER: You may answer.

THE WITNESS: Not as I remember.

[fol. 488]

NATHAN CARTER

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Cowherd) State your name and address for the record, please. A Nathan Carter, 3118 Bowers Street, High Point.

TRIAL EXAMINER: Is that Charles N. Carter?

THE WITNESS: Yes.

Q (By Mr. Cowherd) Mr. Carter, have you ever been employed at General Steel Products? A Yes.

Q And were you employed during the month of August, 1964? A Yes, sir.

Q And were you employed there during the month of May, 1964? A Yes.

Q What was your job, sir? A Press operator.

Q And who is your foreman? A Tommy Allen.

Q Now I show you General Counsel's Exhibit marked for identification Number 6(a)(15) and ask you if you can identify that card.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(15) for identification.)

A Yes, sir.

Q (By Mr. Cowherd) Is that your signature, sir? A Yes, sir.

Q That is your name? A Yes, sir.

Q And what date did you sign it on? A 5-26-64.

Q Did you read the card before you signed it? A No, sir.

Q Was it read to you? A Yes, sir.

Q Who read it to you? A My wife.

[fol. 491] VOIR DIRE EXAMINATION

(BY MR. HAMLIN)

Q Who approached you about this, sir? A Ted.

Q Did he tell you that this card was just to get an election? A No, sir.

MR. COWHERD: Objection until he establishes the time.

TRIAL EXAMINER: He has answered the question. Your answer was no.

[fol. 492]

HELEN CAUSEY

was called as a witness by and on behalf of the General Counsel, and after having been duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address.

THE WITNESS: Helen Nichols Causey, 319 Green Oak Drive, High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Miss Causey, have you been, ever been an employee of General Steel Products? A Yes.

Q In High Point? A Yes.

Q And were you employed there during the month of August, 1964? A Yes.

Q And were you employed there during the month of —let me ask you this—what was your job, ma'am? A Spinner operator.

Q And who was your foreman? A Jim Riggsbee and Wayne Farrington.

Q Now Miss Causey, I show you General Counsel's Exhibit marked for identification Number 6(a) (16) and ask you if you can identify this card.

(The document above-referred to was marked for identification as General Counsel's Exhibit No. 6(a) (16).)

A Yes.

[fol. 494] Q (By Mr. Cowherd) Did you fill out that card? A I did.

Q Is that your signature? A Yes.

Q What date did you sign the card? A 8-5-64.

Q Now did you read the card, ma'am before you signed it? A I did.

MR. COWHERD: I offer General Counsel's Exhibit marked Number 6(a) (16) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) You both signed and filled out the card, did you? A Yes, sir.

Q And you filled in the date? A Yes, sir.

Q The initials TBD on the back indicate Ted Davis, do they? A I imagine so.

Q Did he call on you? A Yes.

Q And ask you to sign the card? A Yes.

Q Was this your home? A Yes, sir.

[fol. 495] Q Did Mr. Davis tell you that these cards were just for the purpose of getting an election? A No.

LOWELL T. CARUTHERS

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address, please.

THE WITNESS: Lowell Caruthers, Jamestown Road.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Caruthers, have you ever been an employee of General Steel Products Company? A Yes.

Q In High Point? A Yes.

Q Now were you employed there back in August of 1964? A Yes, sir.

Q Now what was your job there? A At that time, punch press operator.

Q And who was your foreman? A James King.

Q Now, Mr. Caruthers, I show you General Counsel's Exhibit marked for identification Number 6(a)(17) and ask you if you can identify that card.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(17) for identification.)

A Yes, sir.

Q (By Mr. Cowherd) Is that your signature? A Yes, sir.

Q And what date did you sign the card? A 8-10-64.

Q 8-10-64, is that what you said? A Yes.

Q Now, Mr. Caruthers, did you read the card before you signed it? A Yes, sir.

[fol. 498] Q (By Mr. Hamlin) Did Mr. Davis tell you that these cards were merely to get an election? A As well as I recollect, it was to represent us to get a union in.

Q To get a union in? A Yes.

Q Did he tell you about an election? A He said they might have to have one.

Q Did he tell you that you could vote either way in an election? A I don't think that was mentioned.

[fol. 499] Q (By Mr. Hamlin) Did you not tell Mr. Martin that Mr. Davis had told you that the cards were being signed for the purpose of having an election, vote as you see fit, either for or against? A I probably did.

Q Was that a true statement? A Well, as well as I recollect, it probably was at that time.

[fol. 501] Q (By Mr. Williamson) Where did Mr. Davis see you about the signing of this card? A At my home.

Q Were you and he the only ones present? A I think there were only two of us in the room at that time.

Q All right, I want you to relate as close as you can remember the entire conversation between yourself and Mr. Davis about the signing of the cards. A It has been a good while. I am afraid I don't remember.

Q Well, tell us all that you remember of it.

TRIAL EXAMINER: Just do the best you can and tell us, as well as you can remember, what was said at that time by Mr. Davis. A Well, he showed me the card, and I read it.

TRIAL EXAMINER: And did you read it at that time?

THE WITNESS: Yes, I did.

TRIAL EXAMINER: All right, and then what was said?

THE WITNESS: Then he said that there were signing these cards to get a union in the plant out there, and he asked me if I would sign one.

Q (By Mr. Williamson) Did you sign it? A Yes, I did.

Q Now at what point in this conversation was it that Mr. Davis mentioned anything about an election at the plant? A Well, he told me, he said that we would probably have to have an election before getting the union in.

Q Did he say whether or not he intended to make any demands on the company before an election? A No, sir, he didn't.

Q Did he state whether or not he would request recognition for the union? A I believe he said that if he got the cards signed that he would.

[fol. 503] Q (By Mr. Hamlin) Did he tell you that your card would be shown only to the Labor Board?

MR. COWHERD: Objection.

TRIAL EXAMINER: Sustained.

[fol. 504] ROGER DALE DEESE

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Have a seat, and give your full name and address.

THE WITNESS: Roger Dale Deese, 400 Centennial.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Deese, have you ever been an employee of General Steel Products? A I have.

Q In High Point? A That's right.

Q Were you an employee during the month of August, 1964? A That's right.

Q What was your job? A Spring up.

Q Who was your foreman? A Richard Davis and Bobby; no, Mr. Davis and Carrol Beck, I believe.

Q Now, Mr. Deese, I show you General Counsel's Exhibit Number, marked for identification as Number 6(a) (18), and ask you if you can identify that card.

(The document above-referred to, was marked General Counsel's Exhibit No. 6(a) (18) for identification.)

A Yes. That is my signature.

Q Did— A Signed everything right there.

Q Now what date did you sign the card? A Eighth month, tenth day, '64.

MR. COWHERD: I would like the record to reflect that he was pointing to the exhibit number.

Q (By Mr. Cowherd) Did you read the card before you signed it? A Yes.

MR. COWHERD: I offer General Counsel's Exhibit marked number 6(a) (18) into evidence.

I would like to clear up something. I made the statement that he was pointing to the Exhibit Number. That was not when he was reading the date.

Q (By Mr. Cowherd) Read the date again, please.
A Eighth month, tenth day, '64.

[fol. 508] Q (By Mr. Hamlin)⁴ Did Mr. Kaiser or your friend tell you they were getting cards signed just in order to get an election? A No, sir. He said for a union to represent us.

Q Who said that? A My friend.

Q Did they tell you that there would be an election?
A No, sir, he didn't.

[fol. 509] Q Did somebody tell you that he would get even with you if you did not sign the card?

MR. COWHERD: Objection.

TRIAL EXAMINER: He may answer.

Q (By Mr. Hamlin) Or anything like that? A Something like that but I don't remember who it was.

[fol. 510] Q Was this before you signed? A I believe it was.

Q You say you can't tell us now who it was? A No, sir.

Q Did you not know the fellow? A No, sir.

Q Somebody who worked at the plant? A Somebody but I don't know where he works.

MR. WILLIAMSON: Can we establish how long before he signed the card?

Q (By Mr. Hamlin) How long before you signed the card did this happen? A I don't remember.

Q At the outside, was it a few days? A I don't remember.

Q It wasn't any more than a month, was it? A I don't remember.

Q Were you fearful of this fellow; were you— A No, sir.

[fol. 511]

GURNEY HEYWOOD DIAMOND

was called as a witness by and on behalf of the General Counsel and, after having first been sworn as a witness, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address, please, and speak up loud.

THE WITNESS: Gurney Heywood Diamond, 2103 Merritt Drive, Greensboro.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Diamond, have you ever been employed at General Steel? A Yes, sir.

Q Were you employed there during the month of August, 1964? A Yes, sir.

Q What was your job, sir? A Punch press operator.

Q And who was your foreman? A Victor Allen.

Q Now, Mr. Diamond, I show you General Counsel's Exhibit marked for identification Number 6(a)(19) and ask you if you can identify that card.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(19) for identification.)

A Yes.

Q (By Mr. Cowherd) Is that your signature, sir?

A Yes, sir.

Q And what was the date that you signed the card?

A 8; let me see August 10, '64. I should have remembered.

Q Mr. Diamond, did you read the card before you signed it? A I read part of it.

Q Did you understand what you read? A Yes, sir.

TRIAL EXAMINER: What part did you read?

THE WITNESS: The part telling me that it was a union card, I had signed two or three before; I had read two or three before.

TRIAL EXAMINER: What do you mean by a union card?

THE WITNESS: Well, it is authorizing a union to be your representative as a worker with the company.

CONLEY J. EDWARDS

[fol. 517] Q (By Mr. Cowherd) Mr. Edwards, did you state your name and address? A No. Conley J. Edwards, 1812 Wilburn Street, High Point.

Q Mr. Edwards, have you ever been an employee of General Steel Products? A Yes, sir.

Q Were you employed there during the month of August, 1964? A Yes, sir.

Q Were you employed there during the month of May, 1964? A Yes, sir.

Q What was your job during that time? A Punch press operator.

Q And who was your foreman? A Thomas Allen.

Q Now, Mr. Edwards, I show you General Counsel's Exhibit marked for identification Number 6(a)(21) and ask you if you can identify that card. A I can.

Q Is that your signature? A It is.

Q What is the date on which you signed your card? A 5-26-64.

Q Now, Mr. Edwards, did you read the card before you signed it? A I did.

MR. COWHERD: I offer General Counsel's Exhibit 6(a)(21) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Is this your signature? A It is my signature.

Q And is all of the writing including the date in your handwriting? A Yes.

Q Did Mr. Davis solicit you to sign a card? A Yes, sir.

Q Mr. Ted Davis? A Yes.

[fol. 519] Q Mr. Edwards, did Mr. Davis tell you that these cards were just to get an election, or anything of that nature? A Yes, sir.

Q What did he tell you about an election? A He didn't tell me anything at that time about an election.

Q Had you talked with him before? A Yes, sir.

Q Had he told you anything about an election? A No.

Q No discussion on it? A No discussion on an election.

Q Did you talk with anyone else before you signed this card about the purpose of obtaining cards? A No.

Q What were you told, if anything, about the purpose? A When I signed the card—

MR. WILLIAMSON: Objection unless you limited the conversation to the time right around when he signed the card.

TRIAL EXAMINER: Yes. I thought that was the question. What was said about—well, repeat your question again, please.

Q (By Mr. Hamlin) What were you told about the reason for signing the card?

TRIAL EXAMINER: At the time you signed it.

THE WITNESS: To have the International Upholsterers' Union represent me.

[fol. 525]

RALPH BLACK

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address.

THE WITNESS: [Ralph Black, 506 S. Elm, High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Black, have you ever been an employee of General Steel Products in High Point? A Yes, Sir.

Q Were you employed there or were you an employee of General Steel Products in High Point in August of 1964? A Yes.

Q And during the month of July, 1964? A Yes.

MR. COWHERD: I would like to have this marked for identification.

[fol. 526] (The document above-referred to was marked General Counsel's Exhibit No. 6 (a) (22) for identification.)

Q (By Mr. Cowherd) Mr. Black, I show you General Counsel's Exhibit marked for identification Number 6 (a) (22) and ask you if you can identify that card. A Yes, sir.

Q Is that your signature, sir? A Yes, sir.

Q What date did you sign the card? A The 7th of July.

Q July what? A It was in some part of the month. I don't know the exact date.

That is the 17th of July.

Q The 17th of July? A Yes. 1964.

Q Did you read it before you signed it? A I did.

MR. COWHERD: I offer General Counsel's Exhibit marked for identification as Number 6(a) (22) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin)

[fol. 528] Q Did either Mr. Kaiser or Mr. Brown tell you before you signed the card that it was for the purpose of obtaining an election? A No.

[fol. 528] Q What were you told about the use that [fol. 529] would be made of this card? A That if I wanted to have someone to represent us, that it would be an advantage to have a bargaining agent between, you know, the worker and the company.

Q What did they tell you that they would do with the cards? A I don't really know what they said they would do with the cards. To my understanding, they would be sent to Washington, I don't know exactly the words to explain it, to get, you know.

Q In order to get an election? A No, no election; they just wanted to know that I would be willing for the company to represent me, for the union to represent me, and election was never mentioned.

[fol. 534]

REX HUGH FITCH

was called as a witness by and on behalf of the General Counsel and, after having first been called and first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address, please.

THE WITNESS: Rex Hugh Fitch, 115 North Deese Drive.

DIRECT EXAMINATION

[fol. 535] Q (By Mr. Cowherd) Mr. Fitch, have you ever been an employee—well, you are an employee of General Steel Products Company? A Yes, sir.

Q Were you an employee there during the month of August, 1964? A Yes, sir.

Q Were you an employee there during the month of May, 1964. A Yes, sir.

Q Mr. Fitch, what was your job? A Press operator.

Q And who was your foreman? A Thomas Allen.

Q Mr. Fitch, I show you General Counsel's Exhibit marked for identification Number 6 (a) (24) and ask you if you identify that card? A Yes, sir.

(The document above-referred to was marked General Counsel's Exhibit No. 6 (a) (24) for identification.)

Q (By Mr. Cowherd) Is that your signature there sir? A Yes, sir.

Q And what date did you sign the card? A 5th, 21st, '64.

[fol. 536] Q And did you read the card before you signed it? A Yes, sir.

* * * * *

BOBBY FULP

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address, please.

THE WITNESS: Bobby Fulp, 946 West Mountain Street, Kernersville.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Fulp, were you an employee of General Steel Products in August of 1964? A I was.

Q Were you an employee there during the month—let me ask you this—what was your job? A At the time I was an assembler of parts on the riveter.

Q And who was your foreman? A James King.

Q Now, Mr. Fulp, I show you General Counsel's Exhibit marked for identification Number 6(a) (25) and ask you if you can identify that card.

[fol. 538] (The document above-referred to was marked General Counsel's Exhibit No. 6(a) (25) for identification.)

A I cannot read or write.

Q (By Mr. Cowherd) You cannot read and write?

A No.

Q Is that your signature? A George Kaiser is the one that signed it for me.

Q Did you request Mr. Kaiser to sign it for you? A Yes.

Q And he filled it out for you? A Yes.

Q Did he read the card to you? A Yes.

Q Before you signed it? A Yes, he did. And I had one two weeks before that and I had my wife and boy to read it.

Q And so it was read to you twice? A Three times.

[fol. 539] VOIR DIRE EXAMINATION

Q (By Mr. Hamlin)

[fol. 541] Q And did they tell you that this card would just be used to get an election? A Not necessarily.

Q With the Labor Board? A They said the card would be if you wanted to be represented by the union.

[fol. 542] JOE HEDRICK

was called as a witness by and on behalf of the General [fol. 548] Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address, please.

THE WITNESS: Joe Hedrick, Route 1, Thomasville, North Carolina.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Hedrick, have you ever been an employee—were you an employee of General Steel Products? A Yes.

Q Were you an employee there during the month of August, 1964? A Yes, sir.

Q Were you employed there in July, 1964? A Yes, sir.

Q What was your job, sir? A Press operator.

Q And who was your foreman? A Thomas Allen.

Q Mr. Hedrick, I show you General Counsel's Exhibit marked for identification Number 6(a) (26) and ask you if you can identify that card. A Yes, sir.

Q Is that your signature on the card? A Yes, Sir.

[fol. 544] Q On what date did you sign it? A Seventh month, 23rd day of '64.

Q Did you read the card before you signed it? A Yes, sir.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (26) for identification.)

MR. COWHERD: I offer General Counsel's Exhibit marked 6(a) (26) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin)

[fol. 545] Q And did he tell you that they were getting these cards signed up only for the purpose of getting an election? A No, sir.

[fol. 551] WALTER J. HOLDER

was called as a witness by and on behalf of the General Counsel, and after having first been duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address.

THE WITNESS: Walter J. Holder, Route 5, Box 72, High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Holder, have you ever been an employee of General Steel Products? A Yes, sir.

Q In High Point? A Yes, sir.

Q Were you employed there during the month of August, 1964? A Yes, sir.

Q Were you employed there during the month of June, 1964? A Yes, sir.

[fol. 552]. Q What was your job during that time? A Press operator.

Q And who was your foreman? A Thomas Allen.

Q Mr. Holder, I show you General Counsel's Exhibit marked for identification Number 6(a) (28) and ask you if you can identify that card.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (28) for identification.)

A Yes, sir.

Q Is that you signature, sir? A Yes.

Q Did you sign the card? A Yes.

Q And what date did you sign it? A Well—

MR. HAMLIN: I can't hear.

THE WITNESS: Well.

Q (By Mr. Cowherd) Can you read, sir? A I can't read too good. What is that?

A June. A June, 1964; June 9, 1964.

Q Did you fill out the card? A I just signed it.

Q You just signed it? A Yes.

[fol. 553] Q And who wrote the date on it? A My wife.

Q Your wife wrote the date? A Yes.

Q Did she do that at the same time that you signed the card? A Yes, sir.

* * * *

Q Did you read the card before you signed it? A She read it to me.

Q Your wife read it to you? A Yes.

Q Do you recall what she read to you? A Not just exactly.

TRIAL EXAMINER: In substance, what was it that she read to you?

THE WITNESS: It was for the union to represent the employees at General Steel.

* * * *

[fol. 557]

JOHN H. HOLMES

was called as a witness by and on behalf of the General Counsel, and after having first been duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Would you give us your full name and address, please.

THE WITNESS: John H. Holmes, 1200 Wood Street, High Point, North Carolina.

DIRECT EXAMINATION

Q. (By Mr. Cowherd) Mr. Holmes, have you ever been an employee of General Steel Products? A. I have.

[fol. 558] Q. In High Point? A. Yes, sir. Crown Flex.

Q. Crown Flex of North Carolina? A. That's right.

Q. Here in High Point? A. That's right.

Q. Over where General Steel is? A. Yes, sir.

Q. Now, Mr. Holmes, what is your job? Were you employed there in August, 1964? A. Yes, sir, machine operator.

Q. And were you employed there in July? A. Yes, sir.

Q. 1964? A. Yes, sir.

Q. And who was your foreman? A. Ernest Curry.

Q. Now I show you General Counsel's Exhibit marked for identification 6(a) (29) and ask you if you can identify the card. A. That is my signature. Everything on there.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (29) for identification.)

Q. (By Mr. Cowherd) What date did you sign the [fol. 559] card? A. 7-29-64.

Q. Did you read the card before you signed it? A. Yes, sir.

[fol. 563]

JESSE F. GIBBS

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Would you give your full name and address, please.

THE WITNESS: Jesse Floyd Gibbs, 1328 Potts Street.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Gibbs, were you an employee of General Steel Products in the month of August of 1964? A Yes.

Q Were you employed there during the month of July, 1964? A Yes, sir.

Q What was your job, sir? A Riveting machine operator.

Q Who was your foreman? A Tommy Parish.

Q Mr. Gibbs, I show you General Counsel's Exhibit [fol. 564] marked for identification Number 6(a)(80) and ask you if you can identify that card.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(80) for identification.)

A Yes, sir.

Q (By Mr. Cowherd) Is that your signature on the card? A Yes, sir.

Q What is the date you signed the card? A 7-16-64.

Q Now did you read the card before you signed it? A Someone read it to me.

TRIAL EXAMINER: Who read it to him?

MR. COWHERD: Someone else read it to him.

Q (By Mr. Cowherd) Who read it to you? A Rabon Wolford.

Q Rabon Wolford? A Yes.

Q Now did you put the date on the card? A No, sir, he put it on.

Q He put it on? A Yes.

Q Did he put it on the same time, the same day that you signed the card? A Yes, sir.

Q The card was filled out altogether at the same time? [fol. 565] A All at the same time.

Q And that is your signature? A Yes.

Q Now you say he read the card to you? A Yes, sir.

Q To the best of your recollection, can you recall exactly; as best you can recall what he said when he read it? A The best I remember he said sign the card so that we could get a union in.

[fol. 571]

CECIL TAYLOR

was called as a witness by and on behalf of the General Counsel, and having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your name and address, please.

THE WITNESS: Cecil Taylor, 101 Adams Street, Kernersville, North Carolina.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Taylor, were you an employee of General Steel Products in August of 1964? A Crown Flex.

Q You worked for Crown Flex? A Yes, sir. [fol. 572] Q In High Point? A Yes, sir.

Q Now, Mr. Taylor, what was your job there? A Machine operator.

Q Who was your foreman? A Robert Lewis.

Q Mr. Taylor, I show you General Counsel's Exhibit marked for identification 6(a)(31) and ask you if you can identify that card. A Yes, sir.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(31) for identification.)

Q (By Mr. Cowherd) Is that your signature? A Yes, sir.

Q And what date did you sign the card? A On the eighth month, third day of '64.

Q Did you read the card before you signed it? A Yes, I did.

MR. COWHERD: I offer General Counsel's Exhibit marked 6(a)(31) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) You wrote your name on this card. Who wrote the rest of it? Did you? A Yes, I believe I did. As far as I remember, I did.

[fol. 573] Q Did you write the date? A I believe I did.

Q Someone has written "General Steel" in here. Was that you or somebody else? You would say "Crown Flex", wouldn't you? A It is all the same company.

Q It is all in the same building? A Yes.

[fol. 576] J. P. SHANAHAN

was called as a witness by and on behalf of the General Counsel, and after having first been duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address for the record.

THE WITNESS: J. P. Shannahan, Route 3, Kernersville, North Carolina.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Shannahan, were you an employee of General Steel Products in August of last year? A Yes.

Q What was your job? A Machine fixer.

Q Who was your foreman? A Ernest Curry.

Q Now, Mr. Shannahan, I show you General Counsel's exhibit marked for identification, 6(a)(32) and ask you if you can identify that card. A Yes, sir.

[fol. 577] Q Is that your signature? A Yes, sir.

Q What date did you sign the card? A 8-3-64.

Q Now did you read the card, sir, before you signed it? A Yes, sir.

MR. COWHERD: I offer General Counsel's marked 6 (a) (32) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin)

[fol. 578] Q Did he tell you that he was getting up cards in order to get an election? A Well, he give me a card and told me to read it, and he said if I signed the card that this would authorize him to represent me.

[fol. 579] RICHARD WALKER

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Would you give us your full name and address, please.

THE WITNESS: Richard H. Walker, Kernersville, Route 4.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Walker, were you an employee of General Steel Company in August of 1964? A Crown Flex.

Q Crown Flex. Who was your foreman? A Ernest Curry.

Q And what was your job? A Machine operator.

Q Now, Mr. Walker, I show you General Counsel's Exhibit marked for identification Number 6(a)(33) and [fol. 580] ask you if you can identify that card. A Yes.

Q Is that your signature, sir? A Yes.

Q What was the date on which you signed that card? A 8-5-64.

Q Did you read the card before you signed it? A Yes.

MR. COWHERD: I offer General Counsel's Exhibit 6 (a) (33) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Mr. Walker, you wrote your own name on here? A Yes.

Q Did you write the address? A No.

Q Who wrote that? A A fellow but I don't know his name.

Q Which one, Mr. Kaiser? A Yes.

Q The one who raised his hand? A Yes.

Q Wrote "Kernersville"? A Yes.

Q I call your attention to a date which appears to be [fol. 581] written in different ink. Do you know who wrote that on there? A Here?

Q No, sir, right here. A He wrote all of that at the same time.

Q You don't know why the date looks different from that? A No.

Q Mr. Walker, would you read part of this to the Examiner. A "I do hereby"—I don't know what that word is there—and I don't know what that is either—Upholsterers' International Union of North America, AFL-CIO—uh—to act—my—for the purpose of"—I don't know that—and to a rate of pay, wages, hours, and employees and others, something of the employees.

Q When Mr. Kaiser came to see you, did he tell you that he was getting cards signed up, and if he got enough, he would get an election? Anything of that sort? A He said that the card would show that I wanted him to represent us.

* * * *

[fol. 589] HOWARD THOMAS HUNT

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Take the chair and give us your full name and address, and please speak up loud.

THE WITNESS: Howard Thomas Hunt, Route 1, Thomasville.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Hunt, were you an employee of General Steel Products in August of 1964? A Yes.

Q Were you an employee there during the month of July, 1964? A Yes.

Q What was your job? A Press operator.

Q And who was your foreman? A Thomas Allen. [fol. 590] Q Mr. Hunt, I show you General Counsel's Exhibit marked for identification Number 6(a)(36) and ask you if you can identify that card. A Yes, sir.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(36).

Q (By Mr. Cowherd) Is that your signature? A Yes.

Q And what date is that you signed the card? A 7-23-64.

Q Did you read the card before you signed it? A Yes, sir.

MR. COWHERD: I offer General Counsel's Exhibit marked for identification Number 6(a)(36) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin)

[fol. 592] Q Before you signed a card, were you told that these cards were being signed up just to get an election in the plant? A No, sir.

[fol. 593] Q (By Mr. Hamlin). Were you told that you did not have to support the union unless you wanted to even though you signed a card?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: He may answer.

THE WITNESS: Repeat that again.

Q (By Mr. Hamlin) Were you told that you did not have to support the union unless you wanted to even though you signed a card? A Yes.

[fol. 594]

PAUL LIVINGSTON

was called as a witness by and on behalf of the General Counsel and, after having first been duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Have a seat, and state your full name and address for the record.

THE WITNESS: Paul Livingston, 109 Harris Street, Thomasville.

DIRECT EXAMINATION

[fol. 595] Q (By Mr. Cowherd) Mr. Livingston, were you an employee of General Steel Products in the month of August, 1964? A I was.

Q Were you employed there during the month of July, 1964? A I was.

Q Now what was your job? A Riveter.

Q Who was your foreman? A Walter Parish.

Q Now, Mr. Livingston, I show you General Counsel's Exhibit marked for identification Number 6(a)(37) and ask you if you can identify that card.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(37) for identification.)

A Yes, sir.

Q (By Mr. Cowherd) Is that your signature? A Yes, sir.

Q What date did you sign the card, sir? A The seventh month, 21st of '64.

Q Did you read the card before you signed it? A Yes.

MR. COWHERD: I offer General Counsel's Exhibit marked for identification Number 6(a)(37) into evidence.

VOIR DIRE EXAMINATION

[fol. 596] Q (By Mr. Hamlin)

[fol. 597] Q Did Mr. McMurray tell you that these cards were just to get an election? A No, sir.

[fol. 603] Q (By Mr. Hamlin) Did Mr. McMurray tell you that you could vote either way in the election? A No.

Q That these cards were just to get an election? A No.

[fol. 612] ALTON B. MANESS

was called as a witness by and on behalf of the General Counsel, and after having first been duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Will you state your full name and address for the record.

THE WITNESS: Alton B. Maness, 3016 English Road, High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Maness, were you an employee of General Steel Products in August of 1964? A That's right.

Q Were you employed there during the month of July 1964? A Yes, sir.

Q What was your job? A Riveting machine operator.

Q And who was your foreman? A Ray Fulp.

Q I show you General Counsel's Exhibit marked for identification 6(a)(4) and ask you if you can identify that card. A That is my card. That is my signature and my card too.

Q Now what date did you sign the card, sir? A 7-7; let me start over; seventh month, 22nd day, '64.

[fol. 613] Q Did you fill in all of that card? A All that is in this green ink.

MR. COWHERD: Let the record show that is the name, date, and address.

Q (By Mr. Cowherd) Did you read the card before you signed it? A Yes, sir.

MR. COWARD: I offer General Counsel's Exhibit marked for identification 6(a) (40) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Would you read a part of what it says there to the Examiner? A "I do hereby designate the Upholsterers' International Union of North America".

MR. HAMILIN: That's all right.

Q (By Mr. Hamlin) Who approached you about signing a card, Mr. Maness? A Billy Fowler.

Q Somebody else at General Steel? A Another employee.

Q Did he tell you that they were getting cards signed in order to get a vote? A No, he didn't.

Q Did he tell you some other folks had signed cards? A Yes, he said that some of them had signed cards.

[fol. 614] Q And when they got enough, they would get a vote, didn't he tell you that? A No, he didn't say that. If he got a majority, 60 percent in each department, we would get the union; he didn't say anything about a vote.

Q Did he not say this is for an election? A No, he did not.

[fol. 620] EDWARD EARL LAWS

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give use your full name and address and speak up loud, please.

THE WITNESS: Edward Earl Laws, Route 3, Thomasville.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Laws, were you an employee of General Steel during the month of August, 1964?

A Yes, sir.

Q Were you an employee during the month of July, 1964? A Yes, sir.

[fol. 621] Q What was your job? A Spinning operator.

Q And who was your foreman? A Jim Riggsbee.

Q Now, Mr. Laws, I show you General Counsel's Exhibit marked for identification 6(a)(42) and ask you if you can identify this card.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(42) for identification.)

A Yes, sir.

Q Is that your signature on the card? A Yes, sir.

Q And what date did you sign the card? A Seventh month, twenty-seventh, '64.

Q And did you write the date on there? A Yes, sir; let me see it; I believe I was the one that put it on there.

Q Now did you read the card before you signed it?

A No, sir.

Q Was it read to you? A Yes, sir.

Q And who read it to you? A Ted Davis.

[fol. 622] VOIR DIRE EXAMINATION

Q (By Mr. Hamlin)

[fol. 623] Q He did tell you, did he not, that those who signed up now would not have to pay any initiation fee which people later would have to pay? A He did not tell me that. He was talking after I done signed the card back down there, and the conversation come up which I gave you over in the plant if it was set up if we won the election, that an initiation fee would get; if an initiation fee would be set up, that the ones later would have to

pay is the way I explained it to you over there that day, and that is all that was ever said 'bout an initiation fee.

[fol. 628] Q (By Mr. Cowherd) And this line here is the line where it says— A Yes.

Q You were supposed to have signed it there? A Yes, sir, and he filled in that other part, and then when I started the leave, when I signed the paper and started to leave, I mentioned again about that because I didn't want to be caught in the middle where I was trying to make [fol. 629] out that there would be an initiation fee because I didn't know it; it was just brought up in a conversation with Ted after I had done signed the card.

TRIAL EXAMINER:

I would like for you to tell me exactly what you told Mr. Hamlin on that day, just try to recall everything that you told him.

THE WITNESS: Well, we were talking, and he mentioned the card, and I told him that I had signed a card; and we went on further; and he asked me would the card be kept confidential; and it was supposed to be kept confidential; and he didn't tell me that it would be shown to nobody else; and I told him that.

TRIAL EXAMINER: I don't quite understand that. Tell me what was said about the card being kept confidential and not being showed to anybody else. Just tell [fol. 630] me that again, what you told him about that.

THE WITNESS: Well, I just told him, he asked me would it be kept confidential; and I said, yes, it would; that is what I was told.

TRIAL EXAMINER: Yes, all right.

[fol. 633] CUSTER FRANKLIN LAWS

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Full name and address, please.
THE WITNESS: Custer Franklin Laws, Route 3,
Thomasville.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Laws, were you an employee of General Steel Products in August of 1964? A I was.

Q Were you an employee there during the month of July, 1964? A Yes, sir.

Q Now who was your foreman? A I don't know his name.

Q What job did you have? A Maintenance.

Q All right, now, Mr. Laws, I show you General Counsel's Exhibit marked for identification Number 6(a) (43) and ask you if you can recognize that document.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (43).)

A Yes.

Q Did you sign the card? A Yes.
[fol. 634] Q Is that your signature? A Yes.

Q And what date did you sign it on? A August 7.

Q Did you write in the date? A I don't know for sure if I wrote it or not.

Q Was it dated at the same time that you signed the card? A Yes.

Q Can you read that date? A Well.

Q The date on the card is July 27, 1964. Did you read the date before you signed it? A No, Ted read it to me.

[fol. 637] Q (By Mr. Hamlin) Mr. Laws, did Mr. Davis talk about getting an election in the plant? A I don't believe he did.

Q You don't remember that word being used? A No.

Q And did he tell you that you would get a chance to vote either way on this? A I don't recall that he did.

[fol. 639] CHARLES EUGENE LAWS

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address.

THE WITNESS: Charles Eugene Laws, Route 3, Thomasville.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Laws, were you an employee of General Steel Products in August of 1964? A Yes, sir.

Q Were you an employee there during the month of July, 1964? A Yes, sir.

Q What was your job? A Painter.

Q And who was your foreman? A Elvin Bethea.

Q Now, Mr. Laws, I show you General Counsel's Exhibit marked for identification Number 6(a) (44) and ask you if you can identify that card.

(The document above-referred to was marked General Counsel's Exhibit Number 6(a) (44) for identification.)

[fol. 640] A Yes.

Q (By Mr. Cowherd) Did you sign that card? A Yes, sir.

Q Is that your signature? A Yes, sir.

Q And what did, what date did you sign the card? A 7-27-64.

Q Did you date the card? A No, sir.

Q Who dated the card? A I believe Ted Davis.

Q Did he do this at the same time that you signed the card? A Yes, sir.

Q Did you read the card before you signed it? A No, sir.

Q Was it read to you? A Yes, sir.

Q Who read it to you? A Ted.

Q Did you understand what he read to you? A Yes, sir.

[fol. 641] THE WITNESS: I think he explained to me that the card was for the union to represent us.

[fol. 644] VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) You were present at this same conversation that you, with Ted Davis, and your two brothers who were just on the stand, that they described to us, were you not? A I think so.

Q Mr. Davis at that time was asking all of you to sign cards? A I suppose so.

Q And was telling you why he wanted you to sign, was he not? A I suppose so.

Q And he told you, did he not, that he was getting cards signed in order to have an election? A I wouldn't know.

Q Or to have a vote, or anything like that? A He didn't tell me that; he just told me that he wanted to get the cards signed to get the union in to represent us.

[fol. 645] ZEB LAWS

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Cowherd) State your name and address for the record please. A Zeb Laws, Jr., Route 4, Thomasville.

Q Mr. Laws, were you an employee of General Steel in the month of August, 1964? A Yes, sir.

Q Were you employed there during the month of July, 1964? A Yes, sir.

Q What was your job? A Riveter.

[fol. 646] Q And who was your foreman? A Jim Riggsbee.

Q Now, Mr. Laws, I show you General Counsel's Exhibit marked for identification Number 6(a) (45) and ask you if you can identify that.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (45) for identification.)

A Yes, sir.

Q (By Mr. Cowherd) Is that your signature? A Yes.

Q And did you date the card? A No.

Q Who did? A Ted Davis.

Q Did he date the card the same day you signed it?

A Yes.

Q The same time? A Well, as soon as I handed it back to him.

Q Now what is the date on the card?

MR. HAMLIN: Objection: I haven't been objecting on this point, Your Honor, but I think we are entitled to. There is no proof by this witness that the date is correct. All he is doing is reading off the card.

TRIAL EXAMINER: Well, the card speaks for itself.

Q (By Mr. Cowherd) Did you read the card before [fol. 647] you signed it? A No, sir.

Q Was it read to you before you signed it? A Yes, sir.

Q And who was that that read it to you? A Well, the first go around, Hogan Brown read it to me once, and then Ted Davis read it the night I signed it.

Q Now did you understand what was read? A Well, I understood some of it; I mean, there were some words in there that I don't know real good.

Q What do you recall that was read to you? A It was a union card; whatever the name of it at the bottom is there; I can't say all of them words there; Upholsterers' Union; and that is about all that I can remember about it; he read it to me before I signed it.

Q And you understood it? A I didn't understand all of it, but I understood that it was a union card.

* * *

[fol. 648] (By Mr. Hamlin)

Q And did Mr. Davis or Mr. Brown tell you that they were getting up cards in order to have an election and it took so much to get an election? A Mr. Davis told me that they would have to get enough cards signed, a certain percentage before they could have an election.

Q Did he tell you that you were being asked to sign a card just so as to have an election in the plant, that you could vote either way? A He told me that I could vote either way.

[fol. 649] MR. WILLIAMSON: That is three questions in one.

TRIAL EXAMINER: Yes.

MR. HAMLIN: I will be glad to separate them.

TRIAL EXAMINER: Yes.

Q (By Mr. Hamlin) And did he tell you that this was just so as to have an election? A He told me that he was getting the cards signed to get a percentage so that they would have an election if they got enough cards.

Q If they what? A If there was enough percentage from the cards, that they would have an election.

Q Did he tell you that you could vote either way?
A Yes, sir.

Q Did you tell him that you weren't agreeing as of then as to which way you would vote? A I told him I didn't know.

Q Did he tell you that this card would be kept secret?

MR. COWHERD: Objection.

TRIAL EXAMINER: Sustained.

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[fol. 650]

J. E. MISHOE

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address.

THE WITNESS: J. E. Mishoe, 1004 Virginia Road, Thomasville.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Mishoe, were you an employee of General Steel Products in August of 1964? A Yes, sir.

Q Were you employed there during the month of July, 1964? A Yes, sir.

Q What was your job? A Spring up man.

Q And who was your foreman? A Richard Davis.

Q Mr. Mishoe, I show you General Counsel's Exhibit marked for identification 6(a)(46) and ask you if you can identify that card. A Yes, sir.

Q Is that your signature? A Yes, sir.

Q Did you date the card when you signed it? A Yes, sir.

Q Now what is the date that you signed it? A 7-22-64.

Q Now what is the date you say you signed it? A 7-22-64.

Q Did you read the card before you signed it? A Yes, sir.

[fol. 655] LLOYD D. MISHOE

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address, please.

THE WITNESS: Lloyd D. Mishoe, 235 Koontz Street, Thomasville, North Carolina.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Mishoe, were you an employee of General Steel Products in August of 1964? A Yes, sir.

Q What was your job? A Riveting machine operator.

Q And who was your foreman? A Ivan Simpson.

(General Counsel's Exhibit No. 6(a)(47) was marked for identification.)

Q I show you General Counsel's Exhibit marked for identification No. 6(a) (47) and ask you if you can identify it. A Yes, sir.

Q Is that your signature? A Yes, sir.

Q Did you date the card when you signed it? A No, [fol. 656] sir.

Q Who did? A I don't know what his name is. Him and Napoleon Brown were together.

Q Yes. A And they filled it all out but the name up here, and I signed my name to it.

Q And the other fellow, is that the gentleman sitting here? A Yes, sir, right yonder.

Q Mr. Kiser? A Yes, sir.

Q And they put the date on there? A Yes, sir.

Q And you saw them? A Yes, sir.

Q And they did it at the same time you signed the card? A Yes, sir.

Q Did you read the card before you signed it? A Yes, sir.

MR. COWHERD: I offer General Counsel's Exhibit marked 6(a) (47) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin)

[fol. 657] Q Did they tell you or explain to you that they were getting cards signed just so as to have an election in the plant? A No, sir.

Q Did they tell you you could vote for it or against it? A Yes, sir.

[fol. 658] Q Did you tell them you weren't making up your mind yet which way to vote?

MR. COWHERD: Objection.

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Objection sustained.

JAMES G. MONCUS

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Take that seat and give us your full name and address, please.

THE WITNESS: James G. Moncus, 1500D Rowan Avenue, High Point, North Carolina.

[fol. 659] DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Moncus, were you employed during the month of August, 1964? A Yes, sir.

Q At the General Steel Products plant? A That's right.

Q Were you an employee there during the month of July, 1964? A Yes, sir.

Q What was your job during that time? A Press machine operator.

Q And who was your foreman? A Richard Hill.

Q I show you General Counsel's Exhibit marked for identification No. 6(a) (48) and ask you if you can identify the card.

(General Counsel's Exhibit No. 6(a) (48) was marked for identification.)

A Yes, sir.

Q Is that your signature? A Yes, sir, I am pretty sure it is.

Q You are pretty sure. Are you sure? A Well, I'm sure because I held it in my hand when I writ that "press". I remember writing it in big letters.

Q And how about your name? A I am sure that's my name.

[fol. 660] Q Did you write your name on the card? A Yes, sir.

Q And that is what you wrote? A That looks just like my handwriting.

TRIAL EXAMINER: Well, do you remember whether or not you signed that card?

THE WITNESS: Yes, siree, I read it and signed it.

Q (By Mr. Cowherd) Did you write everything on the card? A Well, I don't believe I wrote this G.C. 6 (a) (48).

Q No, except for that. A I believe I did.

Q Did you write the date on the card yourself? A Yes, sir, I filled out the whole card myself.

Q Did you read the card before you signed it? A Yes, sir.

MR. COWHERD: I offer General Counsel's Exhibit marked for identification 6(a) (48) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) You say you signed this at your press in the plant? A No, I signed it in the front room in my home, 1500D Rowan.

Q Did I understand your testimony that something happened at your press in the plant. What was that? A I was a press operator. That is my job.

Q And where were you approached about signing a [fol. 661] card? Who came to see you? A Well, they didn't call me, I called them. A man, a friend of mine was standing on the side of the road, and we had a conversation about it, and I told him that—I told him after I decided I wanted to join the union to—if he saw them before I did to send them over to my place, I wanted to talk to them about joining.

[fol. 662] Q (By Mr. Hamlin) Mr. Moncus, when I talked with you in the plant a week or two ago, you told me that you had not signed a card, did you not? A That's right.

TRIAL EXAMINER: How's that?

THE WITNESS: Yes, sir, I told him that.

MR. HAMLIN: We object to the card.

TRIAL EXAMINER: It may be received.

(The document above-referred to, heretofore marked General Counsel's Exhibit No. 6(a) (48) was received.)

TRIAL EXAMINER: Anything further?

MR. COWHERD: Just let me think a minute.

FURTHER DIRECT EXAMINATION

Q (By Mr. Williamson). Why did you tell Mr. Hamlin in the plant that you hadn't signed a card? A Well, I had kept it a secret all during the time. I hadn't told anybody that I had signed one, and I thought it was too [fol. 663] personal a question; being as I had kept it a secret that long, I would keep it all the way through. I thought it was too personal a question to have to answer it. I wasn't under oath whenever I answered it.

MR. WILLIAMSON: That's all.

TRIAL EXAMINER: Anything further?

CROSS EXAMINATION

Q (By Mr. Hamlin) And you had been told that this would be kept secret, hadn't you?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Wait a minute. What time are you talking about?

MR. HAMLIN: Before I signed the card.

MR. COWHERD: Objection.

TRIAL EXAMINER: That isn't what he was talking about.

MR. WILLIAMSON: I was talking about the interview in the office.

TRIAL EXAMINER: Now, what time are you talking about?

MR. HAMLIN: I am going back to the time of the card signing.

TRIAL EXAMINER: Objection sustained.

[fol. 664] CARSON WADE NORRIS

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address and speak up loudly.

THE WITNESS: My name is Carson W. Norris, 800 East Kerns Avenue, High Point, North Carolina.

[fol. 665] DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Norris, were you an employee of General Steel Products in July, 1964? A Yes, sir.

Q Were you an employee there in August of 1964? A Yes, sir.

Q What was your job during that time? A A utility man.

Q And who was your foreman? A James Riggsbee.

(General Counsel's Exhibit No. 6(a)(49) was marked for identification.)

Q I show you General Counsel's Exhibit marked for identification No. 6(a)(49), and ask you if you can identify that card. A Yes, sir, I believe I can.

Q Is that your signature on that card? A No, sir.

Q Whose signature is it? A My wife's.

Q It is your wife's signature? A Yes, sir.

Q Did you ask her to sign it, this card, for you? A I had her fill it out, yes, sir.

Q And were you present when she signed it? A Yes, [fol. 666] sir.

Q Did she fill out the whole card for you? A Yes, sir.

Q Did she put the date on the card? A Yes, sir, I am pretty sure she did.

Q At the same time she filled out the rest of the card? A Yes, sir.

Q Did she read the card to you, or did you read the card to yourself? A Well, the guy that give me the card to fill out, he read it to me.

Q Who was that? A Jerry Moss.

Q Jerry Moss? A Yes, sir.

Q And did you understand what he read to you? A Yes, sir.

Q Do you recall now anything about what he read to you? A Yeah, about sign the card and the union, you know, will represent the plant.

Q Is that all you can remember? A About all we was talking about? We talked about other things—

COURT REPORTER: Can you speak a little louder, please?

TRIAL EXAMINER: Speak a little louder.

[fol. 667] THE WITNESS: About the union representing us at the plant, you know, in case they're going to have an election and everything.

Q (By Mr. Cowherd) And who was it that read this card to you? A Jerry Moss, one of the employees at the shop.

Q Was anybody else there? A Just my wife.

Q Just your wife? A Yes, sir.

Q Where did this take place? A At my house, at home.

Q Mr. Norris, when Mr. Moss read you the card, did he read anything to you about an election? A No, sir, I don't think he did.

MR. COWHERD: I offer General Counsel's Exhibit 6(a) (49) into evidence.

Voir Dire Examination

Q (By Mr. Hamlin) Mr. Norris, you said that Mr. Moss didn't read anything off the card about an election, but he did tell you something about an election, didn't he? A We talked several time about the election, and things like that, you know.

Q And you talked about the election before you signed [fol. 668] the card, or had your wife sign it? A I don't know whether it was before or afterwards.

Q Was it that same night? A Same day; it happened in the afternoon.

Q He told you, didn't he, that these cards were just being signed up to get an election in the plant?

MR. WILLIAMSON: Objection.

THE WITNESS: To get a union in the plant.

[fol. 673] JAMES LEWIS RANDALL

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address, please.

THE WITNESS: James Lewis Randall, 502 West Ray Street, High Point, North Carolina.

[fol. 674] DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Randall, were you employed at General Steel Products Company in High Point during the month of August, 1964? A Yes, sir.

Q What was your job? A Punch press operator.

Q And who was your foreman? A Victor Allen.

(General Counsel's Exhibit No. 6(a)(50) was marked for identification.)

Q I show you General Counsel's Exhibit marked for identification No. 6(a)(50) and ask you if you can identify that card? A Yes, sir.

Q Is that your signature? A Yes, sir.

Q Did you fill out the card, sir? A Yes, sir.

Q Did you date the card? A Yes, sir.

Q Did you read the card before you signed it? A Yes, sir.

MR. COWHERD: I offer General Counsel's Exhibit marked 6(a)(50) into evidence.

[fol. 675] VOIR DIRE EXAMINATION

Q (By Mr. Hamlin)

[fol. 676] Q Did they tell you that the purpose of signing a card was to get an election at the plant? A No, sir.

[fol. 680] BILLY J. SEARCY

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Have a seat and give your full name and address.

THE WITNESS: Billy J. Searcy, 228 Beddington,
High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Searcy, were you an employee during the month of August, 1964, at General Steel Products Company in High Point? A Yes, sir.

Q Were you employed there also in the month of June, 1964? A Yes, sir.

[fol. 681] Q What was your job, sir? A Riveting machine operator.

Q And who was your foreman? A Ray Fulp.

Q I show you General Counsel's Exhibit marked for identification Number 6(a)(51) and ask you if you can identify that card.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(51) for identification.)

A Yes, sir.

Q (By Mr. Cowherd) Is that your signature? A Yes, sir.

Q Did you fill out the card? A Yes, sir.

Q Did you read the card before you signed it? A Yes, sir.

MR. COWHERD: I offer General Counsel's Exhibit 6(a)(51) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin)

[fol. 682] Q Were you told that the reason for signing the cards was to get an election? A No, sir.

[fol. 688] IRVIN REAGAN

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address, please.

THE WITNESS: Irvin Reagan, 215 Oaklawn Avenue.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Reagan, were you an employee of General Steel Products in High Point during the month of August, 1964? A Yes, sir.

Q Were you employed there in June of 1964? A Yes.

Q What was your job? A Spinner operator.

Q Who was your foreman? A Ivan Simpson.

Q Now, Mr. Ragan, I show you General Counsel's Exhibit marked 6(a) (53) and ask you if you can identify that card. A Yes.

Q Is that your signature, sir? A Yes.

[fol. 689] Q And did you put the date on there? A No, sir.

Q Who put the date on there? A Mr. Smith.

Q And was he there when you signed your card? A Yes.

Q And did you see him write the date on that card? A Yes.

Q And is that the correct date you signed the card? A I believe it is.

Q All right, did you read the card before you signed it? A No, he read it to me.

Q Did he read it to you? A Yes.

Q Did you understand what he read? A Yes.

Q Can you recall what it was that he read to you? A Wanted to know did I wanted the union to represent us.

* * * * *

[fol. 692] L. LEON ROBINSON

was called as a witness by and on behalf of the General Counsel and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Robinson, state your name and address for the record, please. A L. Leon Robinson, 1609 Lincoln Drive, High Point.

Q Now Mr. Robinson, were you an employee of General Steel Products in High Point during the month of August, 1964? A Yes, sir.

[fol. 694] Q (By Mr. Cowherd) Now, Mr. Robinson, I show you General Counsel's Exhibit marked for identification Number 6(a) (54) and ask you if you can identify that card. A Yes, sir.

Q Is that your signature? A Yes, sir.

Q Did you fill out the card? A Yes, sir.

Q Did you put the date on it? A Yes, sir.

[fol. 695] Q Did you read the card before you signed it? A I didn't read it.

Q You didn't read it? A No.

Q Was it read to you? A No, I understood what it was about.

Q You understood what it was about? A Yes, sir.

Q What was it that you understood? A Well, I know what a union means, it is fair pay, and job security.

MR. HAMLIN: I can't hear you.

COURT REPORTER: I don't either.

TRIAL EXAMINER: I don't either.

MR. COWHERD: You will have to speak up louder.

TRIAL EXAMINER: Speak up louder. What did you understand? You said you understood what it was, what it meant. Now what did you understand?

THE WITNESS: A better place to work.

MR. HAMLIN: We object to what he understood.

TRIAL EXAMINER: Was anything said to you at the time you signed the card?

THE WITNESS: Well.

TRIAL EXAMINER: Have you read the card at any time?

[fol. 696] THE WITNESS: I haven't read it. I read it one time afterwards.

TRIAL EXAMINER: You read it afterwards?

THE WITNESS: Yes, sir.

TRIAL EXAMINER: How long afterwards?

A THE WITNESS: I don't know, about seven months, a couple of weeks ago I read it.

[fol. 698] Q I show you the card again, sir, and ask you if you can identify the card. A Yes, sir.

Q Would you tell me what it is. A It is a union card, Upholsterers' International Union.

Q Is that the card that you signed? A Yes, sir.

Q Who was it who gave you the card? A Larry Wayne Robinson.

Q Did he tell you what it was when he gave it to you? MR. HAMLIN: Objection. He has already testified to that.

TRIAL EXAMINER: I will let him answer.

THE WITNESS: I asked him for it and he gave it to me. He told me it was a union card.

[fol. 707] DOUGLAS J. SHIPP

was called as a witness by and on behalf of the General Counsel, and after having been duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Speak out loud now, and give us your name and address, please.

THE WITNESS: John W. Shipp, 223 Dorothy Street, High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Shipp, are you an employee of General Steel in High Point during the month of August, 1964? A Yes, sir.

Q Were you employed there during the month of June, 1964? A Yes, sir.

Q What was your job? A Inspector.

Q And who was your foreman? A Tommy Parish.

[fol. 708] Q Mr. Shipp, I show you a card marked as General Counsel's Exhibit 6(a)(57) and ask you if you can identify it. A Yes, sir.

Q Is that your signature?

(The document above-referred to was marked General Counsel's Exhibit 6(a)(57) for identification.)

A Yes, sir.

Q (By Mr. Cowherd) Did you fill out that card? A Yes, I did.

Q And did you date the card yourself? A No, sir, I am not sure about the date.

Q Right down here, can you make that out? A Oh, yeah, I signed that.

Q You filled that out? A Yes, sir, June 4, '64.

Q Now did you read the card before you signed it? A Yes, sir.

Q You did? A Yes.

MR. COWHERD: I offer General Counsel's Exhibit marked 6(a)(57) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Who asked you to sign this card, Mr. Shipp? A Bobby Smith.

[fol. 709] Q And where? A Union meeting.

Q There were other people at this meeting? A Yes, sir.

Q Did anyone make a talk at that meeting before you signed the card? A Sir?

Q Did anyone make a talk at that meeting before you signed the card? A Yes, there was a talk.

Q Who spoke? A Ted Davis.

Q Anybody else? A No, sir, that I; not that I know right off hand.

Q Did Bobby Smith in talking to you or Ted Davis in talking to you or speaking at this meeting make a statement that these cards were being gotten up for the purpose of having an election in the plant? A Well, the only thing said about an election; said if we got over a majority of the cards signed, there would be an election; but not until.

Q And was it stated that if the union won that it would come in and otherwise not? A No, sir, I don't remember hearing that.

[fol. 710] ODELL STRICKLAND

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Cowherd) State your name and address for the record, please. A Odell William Strickland, 1822 Ridgecrest Drive, High Point.

Q Mr. Strickland, were you an employee of General Steel Products during the month of August, 1964? A [fol. 711] Yes, sir.

Q Were you employed there during the month of July, 1964? A Yes, sir.

Q Mr. Strickland, what was your job? A Press operator.

Q And who was your foreman? A Bobby Sparks.

Q Now, Mr. Strickland, I show you General Counsel's Exhibit marked for identification 6(a) (58) and ask you if you can identify that card. A Yes, sir.

Q Now is that your signature on your card? A Yes. Every bit of it.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin)

[fol. 713] Q Did Mr. Ted Davis make any talk at these meetings which you attended before you signed this card? A I never heard no one talk before I signed the card. We had talked over at Johnson Hinge before we came into the new plant. We had talked over at Johnson Hinge about forming a union before we came into the new plant.

Q And is that where you obtained the information upon which you made your decision to sign a card? A No, sir. I got from, I got my information from working at General Motors in Ohio.

Q How long ago was that? A From 1959 to about '61.

Q You had never attended a meeting or heard anybody talk about this thing before you signed this card? A I had discussed it myself several times.

Q All right. A I had been to union meetings up north.

Q You discussed it with other people here or only up north. A Here also.

Q Well, with whom did you discuss it? A Anyone that would listen.

Q You mean, you are the one who was doing the talking? A Not only myself; anyone else with any sense would.

[fol. 714]

LONNIE TEAL

was called as a witness by and on behalf of the General Counsel and, after having first been duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Would you give us your full name and address, please.

THE WITNESS: Lonnie Teal, 215 Thomasville Street.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Teal, were you an employee of General Steel in High Point during the month [fol. 715] of August, 1964? A Yes.

Q Were you employed there in July of 1964? A Yes.

Q What was your job? A Inspector.

Q Who was your foreman? A Ray Fulp.

Q I show you General Counsel's Exhibit marked for identification Number 6(a)(59) and ask you if you can identify the card. A Yes.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(59) for identification.)

Q (By Mr. Cowherd) Is that your signature, sir? A Yes, sir.

Q Did you fill out the card? A Yes, sir.

Q Did you date it? A Yes, sir.

Q Did you read the card before you signed it? A Yes, sir.

MR. COWHERD: I offer General Counsel's Exhibit marked 6(a)(58) into evidence, or excuse me, General Counsel's Exhibit Number 6(a)(59) into evidence.

[fol. 716] VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Who approached you about signing the card? A Mr. Davis.

Q All right. A And Mr. Kaiser.

Q Mr. Davis and Mr. Kaiser? A Yes.

Q Where? A At my home.

Q At your home? A Yes.

Q Was there anybody else present? A No.

Q Did they talk with you about why they wanted the card signed? A Well, they said to represent the union.

Q Did they tell you that the purpose of the card was just to get a vote in the plant for you to vote on it? A No, sir.

Q Did they talk about an election? A No, they talked about representing a union.

Q They talked about representing a union? A At that time.

[fol. 717] Q Had they talked to you before? A No, sir.

Q Had anybody else talked with you about this matter? A No.

Q Did they tell you that you could vote as you chose? A Well.

Q In the election? A No, sir.

Q Either way? A I believe they did but not that time.

Q Had they told you that before? A After.

[fol. 719] HENRY THOMPSON

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Speak up loud, and give us your full name and address, please.

THE WITNESS: Henry Thompson, 305 Kennedy Street, High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Thompson, were you an employee of General Steel Products in the month of August of 1964? A Yes, sir.

Q Were you employed there in July of 1964? A Yes, sir.

Q What was your job? A Press operator.

Q Who was your foreman? A Bobby Sparks.

Q Now, Mr. Thompson, I show you General Counsel's Exhibit Number 6(a)(60) and ask you if you can identify [fol. 720] that card. A Yes, sir.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(60) for identification.)

Q (By Mr. Cowherd) Is that your signature? A That's right, nobody can write like that but me.

Q Now—

TRIAL EXAMINER: I didn't hear that.

MR. COWHERD: Nobody can write like that but me.

TRIAL EXAMINER: All right.

Q (By Mr. Cowherd) Did you fill out the whole card? A Yes, sir.

Q Did you put the date on it? A Yes, sir.

Q Did you read the card before you signed it? A Yes, sir.

[fol. 721] (By Mr. Hamlin)

Q Did Mr. O'ham tell you that he was getting cards signed up in order to have an election or something to that effect? A Well, I know that he had cards.

Q Well, I am asking you, did he tell you that he was getting cards signed up so as to have an election? A If they got the percentage, yes.

Q And did he tell you that you would, did he tell you that these cards would be used for any other purpose? A No.

Q Did he tell you that you could vote any way you pleased even though you signed a card? A Yes, sir.

Q He did not tell you that you were making the union your representative even if it lost an election, did he? A [fol. 722] No, sir, he sure didn't.

Q Did he tell you that your card would be held secret or confidential?

MR. COWHERD: Objection.

TRIAL EXAMINER: Sustained.

TRIAL EXAMINER: Well, did he tell you that the card would only be used for an election?

THE WITNESS: No, sir.

ROSHIER WATTS

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address, please.

THE WITNESS: My name is Roshier Watts, I live on 404 Barnsville Street, Thomasville.

DIRECT EXAMINATION

[fol. 723] Q (By Mr. Cowherd) Mr. Watts, were you an employee of General Steel Products in August, 1964? A Yes, sir.

Q Were you employed there in July of 1964? A Yes, sir.

Q What was your job? A Spinner operator.

Q And who was your foreman? A Jim Riggsbee.

Q Now, Mr. Watts, I show you General Counsel's Exhibit marked for identification Number 6(a)(61) and ask you if you can identify that card. A Well, I have seen the card. I can't read but I have seen the card.

Q Did you sign the card? A No, sir.

Q Who signed it for you? A My wife signed it.

Q And did you ask her to? A Yes, sir.

Q Did she fill out the card for you? A Yes, sir.

Q Did she put the date on there, sir? A Yes, sir. As far as I know, she did.

Q What did she put on, what was it that your wife put [fol. 724] on there? A I guess she wrote it all on there, all of that writing.

Q She wrote it all? A As far as I know, she did, yes, sir.

Q And did you see her write it all off there? A Yes, sir. After I got home.

Q Now did she read the card to you? A Yes, sir.

Q Do you remember what she read to you? A The International Upholder, the International Upholding Union, represent of the union, representative.

Q It was a representative of the union, is that what you said? A Yes, sir.

Q Do you read it all? A No, sir, I can't read.

[fol. 725] Q But your wife read it to you? A Yes, sir.

Q Read the whole card to you? A Yes, sir. I told her to fill it out for me.

Q After she read it? A Yes, sir.

Q Again what was it that you remember her reading?

MR. HAMLIN: Object to repetition.

TRIAL EXAMINER: You may answer.

A Representing the International Union.

Q (By Mr. Cowherd) Representing Upholsterers'

A International Union.

Q Representing?

TRIAL EXAMINER: What about the union, what did she read about the union?

THE WITNESS: Well, she said it was representing of the union, card.

[fol. 726] MR. COWHERD: I am going to read you a part of this and I want you to tell me if this is what your wife read.

MR. HAMLIN: We object to that, sir.

TRIAL EXAMINER: No, I think in view of the testimony of the witness and the apparent, his apparent lack of education and ability to understand, I think you may do so.

MR. COWHERD: "I do hereby designate and authorize the Upholsters' International Union of North America, AFL-CIO and its representatives to act as my representative for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment."

THE WITNESS: That is the same card.

MR. COWHERD: Is that the same thing that she read to you?

THE WITNESS: Yes, sir, the same thing.

MR. COWHERD: I offer General Counsel's Exhibit marked 6(a) (61) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Mr. Watts, who did you get this card from? A My son brought it to me at the house. [fol. 727] Q Had you been called on by any of the union organizers before? A No.

Q Had anyone talked with you about it before you signed? A No.

Q Did Mr. Ted Davis see you somewhere? A After I signed the card.

Q You think this was later? A Yes, sir.

Q And your son brought you your card, brought you this card, when it was brought you by him, did he tell you that this was just to get an election? A I don't think so.

Q Did he tell you that you would have a chance to vote either way on this? A No, sir.

Q Had anybody else told you that? A No, sir.

[fol. 728] Q Would you tell us again, Mr. Watts, what it was that your wife read to you that night as far as you remember? A He just read the card and I told him that was right.

Q Well, sir, would you tell me what it was, as far as you remember, that your wife read? Just in your own words? A Well, my memory ain't so good and all I remember about it is representing of the union, Upholstery Union.

[fol. 753]

RABON WOLFORD

was called as a witness by and on behalf of the General Counsel and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Cowherd) Will you state your name and address for the record? A Rabon Wolford, Box 5, Trinity.

Q Mr. Wolford, were you an employee of General Steel Products during the month of August, 1964? A Yes, sir.

Q Were you employed there during the month of July, 1964? A Yes, sir.

Q What was your job, sir? A Utility man.

Q And who was your foreman? A Tommy Parish.

[fol. 754] Q Mr. Wolford, I show you General Counsel's Exhibit marked for identification Number 6(a) (64) and ask you if you can identify that card. A Yes, sir.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(64) for identification.)

Q (By Mr. Cowherd) Is that your signature on the card? A Yes, sir.

Q Did you fill out the card yourself? A Yes, sir.

Q Did you date the card the same time you signed it? A Yes.

Q Did you read the card before you signed it? A Yes, sir.

MR. COWHERD: I offer General Counsel's Exhibit marked 6(a) (64) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Mr. Wolford, who approached you about signing the card? A I don't know exactly who approached me. I believe I filled that out at the Union Hall, sir.

Q And was this the first such meeting that you had been to or had there been others that you had attended before that? A I don't recall exactly when I filled the [fol. 755] card out but it was at a union meeting.

Q Had union officials made talks at meetings which preceded your signing this card? A Yes, sir.

Q Which one? A Mr. Davis.

Q Mr. Davis, did he state that the only purpose of these cards was to obtain an election? A No, sir.

Q He did say that they would be used to obtain an election? A No, sir.

Q Did he not? A No, sir.

Q Was there no talk about an election? A I don't recall talk about an election.

Q Did he tell you that you could vote either way if an election came? A Yes, sir.

Q Then there was some talk about an election? What did he say about an election? A It seems as if he said something about if there would be one, we could vote either way, but my understanding was in our filling the card out that we would have a union to represent us.

Q Apart from your understanding, sir, I am asking you what you were told. Were you told that you would [fol. 756] avoid an initiation fee by joining now rather than later? A I don't recall that.

Q You don't remember an initiation fee being mentioned? A I don't recall it being mentioned.

Q You also have been approached or asked to sign a card by a fellow employee? A Well, I have talked with the employees, but I don't recall; maybe some of them had asked me; but I believe I had already signed; I believe some of them had approached me and asked me about it, but I had already signed the card.

[fol. 757] Q Before you signed this card, you were not told that you were naming the union as your representative? Were you? A Oh, yes, that is the reason I signed the card.

[fol. 762] Q Now you were told that this was to get an election? A No, to get a union.

Q Do you deny that you told Mr. Martin that? A I am not going to deny it. I could have told him that. If I did, I was mistaken.

Q Well, you made the same mistake when you read and signed the statements? A I must have misread it. That is my signature.

Q And you also made the statement, "I was not told I was naming the union as my representative", and that's true, isn't it? A It is on the card.

Q No one told you that you were naming the union as your representative to represent you without any election? A Repeat the question.

Q No one told you that you were naming the union to represent you without an election, did they? A Without an election. I don't recall anyone saying to me anything about having an election.

TRIAL EXAMINER: Would you mind standing back a little bit? You are too close to the witness.

MR. HAMLIN: Yes. I wanted to stand close enough so that he could see it.

[fol. 763] TRIAL EXAMINER: Well, hand it to him.

MR. HAMLIN: All right.

Q (By Mr. Hamlin) You have already testified, have you not, sir, that you were told that you could vote either way. You testified to that before you ever looked at the statement. A It seems like that had been repeated between some employees that they could vote either way they wanted to, but at the time I signed the card, I signed it for the union to represent me, not to have an election.

* * * * *

[fol. 768] JAMES RICHARD SMITH

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

[fol. 769] TRIAL EXAMINER: Will you give us your full name and address.

THE WITNESS: James Richard Smith, 113 Vale Street, High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Smith, were you an employee of General Steel Products in the month of August, 1964? A Yes, sir.

Q Were you employed there during the month of July, 1964? A Yes, sir.

Q What was your job during this time? A Riveting machine operator.

Q And who was your foreman? A Ivan Simpson.

Q Mr. Smith, I show you General Counsel's Exhibit marked for identification Number 6(a) (65).

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (65) for identification.)

Q (By Mr. Cowherd) And ask you if you can identify that card. A Yes, sir.

Q Is that your signature? A Yes, sir.

Did you fill that card out? A Yes, sir.

[fol. 770] Q Did you date the card at the same time that you filled it out? A Yes, sir.

Q And what is the date on which you filled the card out? A 7-16-64.

Q Did you read the card before you signed it? A Yes, sir.

MR. COWHERD: I offer General Counsel's Exhibit marked 6(a) (65) into evidence.

VOIR-DIRE EXAMINATION

Q (By Mr. Hamlin) Where were you when you signed the card? A Up at the Union Hall.

Q Was this the first meeting you attended or had there been others? A This was the first one I attended.

Q Had Mr. Ted Davis or any other union official made a talk there at the meeting before you signed the card? A No, sir.

Q Had anybody approached you about signing a card? Who had approached you about signing a card? A I don't know who; somebody; I don't know who.

Q Where did it happen? A I believe it was at home.

Q Somebody came to your house?

[fol. 771] Q Was that perhaps Mr. Davis? A No, sir.

Q You wouldn't be able to identify the person who came? A No, sir.

Q That was a little while before you went to this union meeting where you signed the card? A It was about two weeks.

Q Now when you were called on about signing the card, you were told, were you not, that they were just getting cards signed up to have an election to get a vote one it?

MR. COWHERD: Objection.

Q (By Mr. Hamlin) Isn't that what you were told? A What was the question?

TRIAL EXAMINER: Excuse me, would you repeat the question, please.

Q (By Mr. Hamlin) When you were called upon about signing a card, you were told, were you not, that they were just getting cards signed up to have an election so that you would have a chance to vote on it? A No, sir.

MR. WILLIAMSON: Objection. It was several weeks before he signed the card.

TRIAL EXAMINER: He may answer.

Q (By Mr. Hamlin) Go ahead. A He asked me about a union, had I heard anything about it, and I told [fol. 772] him, "No"; and he asked me would I like to help get one in, try to get one in; and I told him, "Yes."

[fol. 773] CHARLIE OAKLEY

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your name and address for the record.

THE WITNESS: Charlie Oakley, Route 3, High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Oakley, were you an employee of General Steel Products during the month of August of 1964? A Crown Flex.

Q Crown Flex? A Yes, sir.

Q Were you employed there during the month of July, 1964? A Yes, sir.

Q What was your job there? A Machine operator.

Q Who was your foreman? A Arnold Laws.

Q Mr. Oakley, I show you General Counsel's Exhibit

marked for identification Number 6(a) (66) and ask you [fol. 774] if you can identify that card. A Yes.

Q Is that your signature? A Yes, sir.

Q Did you fill out the card? A Yes, sir.

Q Did you date the card when you signed it? A Yes, sir.

Q Did you read the card before you signed it? A No, sir.

Q You did not read it? A No, sir.

Q Was it read to you? A I don't remember, but I believe Ted read it to me, I am not sure.

Q Ted, who is Ted? A Ted Davis.

Q The Union representative? A Yes.

Q You believe he read it to you? A I believe he read it to me.

Q What do you recall that he read to you? A I don't remember what he read to me.

Q Can you read? A Yes.

[fol. 775] Q Would you like to refresh your memory and read the card? A Out loud?

TRIAL EXAMINER: No, just read it to yourself.

Q (By Mr. Cowherd) Read it to yourself. A Well.

TRIAL EXAMINER: Unless Counsel wants him to read it out loud. Both counsel indicate "No."

Have you read it?

THE WITNESS: Yes, sir.

Q Now does that refresh your recollection, your memory?

TRIAL EXAMINER: As to what?

Q (By Mr. Cowherd) As to what Mr. Davis read to you? A Yes, he said that he was going to represent us if we got up a union in the plant.

Q And is that what is on the card? A Yes, sir.

Q That he read to you? A That is what is on the card. Well, that is not exactly what the wording is on the card.

Q Would you read a portion of that out loud? A What portion do you want?

Q Starting with "I". A "I do hereby" do—what is that word? "Designate and otherwise rep Upholsterers" [fol. 776] Union of North America, AFL-CIO, and its—"

Q (By Mr. Cowherd) That is sufficient. Now do you recall Mr. Davis reading that to you? A Yes, sir, I believe I do. I believe he read it to me. I hadn't read it myself. That is the first time I read it.

Q And this is what you recall Mr. Davis reading? A Yes, sir.

[fol. 777] (By Mr. Hamlin)

Q Did Mr. Davis or Mr. Brown tell you that they were getting cards signed up just to have an election in the plant? A Mr. Davis told me that they were getting signed cards, getting cards signed, and if he got enough signed, that they would have an election in the plant.

Q Did he tell you that if the union won that you would have a union in and if it lost that you would not? A That is what I understood, yes.

Q Did he tell you anything about an initiation fee and about people who came in later? A He said if the union came in and a man waited until a later date to join the union that there would be an initiation fee.

Q Did he tell you that except for getting an election that your card would remain confidential?

MR. WILLIAMSON: Objection.

MR. COWHERD: Objection.

TRIAL EXAMINER: Sustained.

[fol. 778] Q (By Mr. Cowherd) Mr. Oakley, I want you to tell me exactly what you remember Mr. Davis said to you. A At my house?

Q Yes. A Well, he come down there and he asked me if I wanted to sign a card, and I told him I didn't know; and he was talking about what benefits I would get if I did sign a card; and if we got a union in the plant; if I signed a card and we got a union in the plant what benefits I would get; and I finally signed a card; and he told me that if we got the union in the plant and the man waited until a later date to join the union that there would be an initiation fee.

Q If you got a union in the plant? A Yes, sir.

Q If we got a union in the plant, there would be an initiation fee if a man waited until a later date to join.

Q Mr. Oakley, did he make a statement to you that he was asking you to sign the card for the purpose of an election? A Not only, now. I would say he didn't say only.

MR. COWHERD: No further questions.

RECROSS EXAMINATION

[fol. 779] Q (By Mr. Hamlin) But he did say whether the union came in would depend on the election, didn't he? A Yes, sir, as far as I know, sir, I think that is what he said.

THERON B. WILLIAMSON

was called as a witness by and on behalf of the General Counsel and, after having first been duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address.

THE WITNESS: Theron B. Williamson, 123 Alberson Road.

DIRECT EXAMINATION

Q (By Mr. Williamson) Mr. Williamson, have you [fol. 780] ever worked for General Steel Company? A Yes, sir.

Q Were you working there last August of 1964? A Yes, sir.

Q Were you working there in July of 1964? A Yes, sir.

Q All right, sir, I show you a card which I have had marked as General Counsel's Exhibit 6(a)(67) and ask you if that is your signature. A Yes, sir.

Q Is that the date that you signed this card? A Yes, sir. 7-23-64.

Q Did you read this card before you signed it? A Not at the time.

Q Did you read it at any later time? A Yes.

Q How long after you signed it did you read it? A A couple of weeks ago.

Did anyone read this card to you at the time you signed this card? A No, sir.

Q Mr. Williamson, did anyone talk to you about signing this card before you signed it? A I heard talk around in the plant.

Q Did any one specific person ask you to sign the card? A There were several different ones.

[fol. 781] Q Well, name me some of them. A James C. Gates and Jerry Moss.

Q All right, sir, where did you get the cards? A George O'ham.

Q Where were you when Mr. O'ham gave you the cards? A We were in his car, on Alberson Road in front of my house.

Q Did you sign the card at the time he gave it to you? A Yes.

[fol. 782] Q All right, now, how did you get in touch with Mr. O'ham? A Well, I knew him and he said, Mr. Gates said he had the cards.

Q Did you go seek Mr. O'ham out? A Yes.

Q And where did you find him? A Going out to his car after we got off of work that evening.

Q All right, now, when you saw Mr. O'ham, tell us what was said to the two of you there? A I told him that I heard that he had some cards.

Q What did Mr. O'ham say? A He didn't say much; I told him that I would like to have one and he said, "Get in my car and I will give you a lift there, to your house", I live out there right near the plant; we went around and stopped right in front of my house out in the street, and I signed one.

[fol. 783] **WILLIAM W. DUGGINS**

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address.

THE WITNESS: William W. Duggins, 821 Randolph Street, High Point, North Carolina.

DIRECT EXAMINATION

Q (By Mr. Williamson) Mr. Duggins, have you ever worked for the General Steel Company? A Yes, sir.

Q Were you working there in August of last year of 1964? A Yes, sir.

Q Were you working there in July of 1964? A Yes, sir.

Q Mr. Duggins, I show you a card which I have marked as General Counsel's Exhibit 6(a) (68).

(The document above-referred to, was marked General Counsel's Exhibit No. 6(a) (68) for identification.)

Q (By Mr Williamson) And ask you if you can identify that card, sir. A Yes, sir.

Q Is that your signature? A Yes, sir.

Q Is the date written on the card the same as the date you signed the card? A Yes, sir.

Q Did you read the card before you signed it? A Yes, sir.

[fol. 786] ROBERT PRITCHARD

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Speak up loud and give us your full name and address, please.

THE WITNESS: Robert Pritchard, 811 Worth Street, High Point.

DIRECT EXAMINATION

Q (By Mr. Williamson) Mr. Pritchard, have you ever worked for General Steel or Crown Flex? A Yes.

[fol. 788] Q (By Mr. Williamson) Mr. Pritchard, do you know an individual by the name of Clark? A Yes, sir.

Q Is Mr. Raymond Clark working at General Steel, was he working at General Steel in August of last year? A Yes, sir.

Q Did you ever have any conversation with Mr. Clark on the subject of union cards? A Yes, sir.

Q I show you a card which I have had marked as General Counsel's Exhibit 6(a) (70). [fol. 789]

MR. HAMLIN: May I see it, sir?

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (70) for identification.)

Q (By Mr. Williamson) And I ask you if you can identify that card, sir? A Yes, sir.

Q Can you tell us the circumstances—is that Mr. Raymond Clark's signature on that card?

MR. HAMLIN: Objection. Objection to the leading.

TRIAL EXAMINER: Sustained.

Q (By Mr. Williamson) Whose signature is that on the card?

MR. HAMLIN: Objection.

TRIAL EXAMINER: Did you see anybody sign that card?

THE WITNESS: Yes, sir.

Q (By Mr. Williamson) Who did you see sign it? A Mr. Raymond Clark.

Q Was that card signed by him in your presence? A Yes, sir.

Q Do you know whether or not he read that card before he signed it? A Yes, sir.

Q Did he? A Yes, sir.

Q Did he sign a card at the same time that you signed [fol. 790] your own card? A Yes, sir.

MR. WILLIAMSON: At this time, Mr. Examiner, I will offer into evidence General Counsel's Exhibit 6(a) (70).

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Where was this card signed? A In the parking lot of the plant.

Q Where is Mr. Clark now? A He is working in Ohio.

Q Do you know where in Ohio?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: He may answer.

A Middletown, Ohio.

Q (By Mr. Hamlin) Do you know his address? A No, sir.

Q How recently have you been in touch with him? A I took him home, moved him about a month ago.

Q Moved him where? A He wrecked his car and I took him and his wife to West Virginia, and his brother-in-law came from Ohio.

Q And the only address that you now know is Middletown, Ohio? A Yes, sir.

Q You say this card was signed at the same time your card was signed? A Yes, sir.

[fol. 791] Q The exhibit just before this? A Yes, sir.

Q Did Mr. Clark fill out his own card? A Yes, sir.

Q Did he fill in the date on it? A I think so.

Q Do you know whether he did or not. A I can't say the date but I know that the signature is his.

Q Well, you didn't fill in the date on his card, did you? A No, sir.

Q And either he did or somebody else did? A Yes, sir.

Q All right.

TRIAL EXAMINER: You said before that it was signed on the same date that you signed yours?

THE WITNESS: Yes, sir.

• • • •
[fol. 792] ROY JUNIOR SCEARCE

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

• • • •
[fol. 793] TRIAL EXAMINER: Give us your name and address for the record and speak up loud.

THE WITNESS: Roy Junior Scearce.

DIRECT EXAMINATION

Q (By Mr. Williamson) Have you ever worked for General Steel? A Yes,

Q Did you work for them in July of last year? A Yes.

Q Did you work for them during the month of August [fol. 794] of last year? A Yes.

Q I show you what I have marked as General Counsel's Exhibit 6(a) (71) and ask you if you can identify that card, sir.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (71), for identification.)

Q (By Mr. Williamson). All right. A Yes, sir, that is my card.

Q Is that your signature? A No, sir, my old lady signed it.

Q Did you give your wife permission to sign the card?

(Off the record discussion.)

Q (By Mr. Williamson). Did you give your wife permission to sign that? A Yes, sir.

TRIAL EXAMINER: How old is your wife?

THE WITNESS: 18.

Q (By Mr. Williamson). Did you read the card before you signed it? A No, she read it to me.

Q Can you tell us the substance of what it was that she read to you? A No, I don't remember that.

Q Can you read at all? A Not much.

[fol. 795] Q Can I ask you to try to read, if you would, sir, the printed portion? A I can't.

Q I am going to read it to you, the printed portion of this card, and I want you to listen to me and tell me whether or not it is what your wife read to you before you gave her permission to sign this card.

MR. HAMLIN: We object.

TRIAL EXAMINER: Overruled.

MR. WILLIAMSON: "I do hereby designate and authorize the Upholsterers' International Union of North America, AFL-CIO, and its representatives, to act as my representative for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment? A That sounds about right.

[fol. 796] VOIR DIRE EXAMINATION

Q (By Mr. Hamlin)

TRIAL EXAMINER: What did he tell you when he gave you the card?

THE WITNESS: He asked me did I want to help get the union and I told him, "Yes."

[fol. 797] TRIAL EXAMINER: Was that when you got the card?

THE WITNESS: Yeah, I believe it was.

[fol. 798] FRANKLIN SMALL

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows.

TRIAL EXAMINER: Sit down there, and speak up loud, and give us your full name and address, please.

THE WITNESS: Franklin Small, 207 Oakwood Street, High Point, North Carolina.

DIRECT EXAMINATION

[fol. 799] Q (By Mr. Williamson) Mr. Small, have you ever worked for the General Steel Company? A Yes, sir.

Q Were you working for them in August of 1964? A Yes, sir.

Q I show you what I have had marked as General Counsel's Exhibit 6(a) (72) and ask you if you can identify that card, sir.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(72) for identification.)

A Yes, sir.

Q (By Mr. Williamson) Is that your signature? A Yes, sir.

Q Did you fill out the entire card? A Yes, sir.

Q Is the date that appears on the card the same date on which you signed the card? A Yes, sir.

Q Did you read the card before you signed it, sir? A Yes, sir.

MR. WILLIAMSON: At this time, I offer General Counsel's Exhibit Number 6(a) (72) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Who talked to you about signing a card? A Mr. Brown and that fellow down there on the end there.

[fol. 800] Q That is Mr. Kaiser? A Yes.

Q Did they come to your house? A Yes, sir.

Q Did they tell you that the purpose of getting these cards signed up was to get an election in the plant? A No, sir, they said to get a union in the plant.

Q They told you, did they not, that they would seek to get an election in the plant in order to get the union in? A I don't remember anything like that.

[fol. 801] Q (By Mr. Hamlin) They told you if the union won that it would come in, did they not? A Yes, sir.

Q And they told you that if the union lost it would not come in? A Yes, sir.

Q And they told you that except for getting an election that your card would remain confidential, is that right?

MR. WILLIAMSON: Objection.

A I don't remember.

[fol. 802] JIMMY PARKER

was called as a witness by and on behalf of the General Counsel and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your name and address.

THE WITNESS: Jimmy Parker, Route 5, High Point. When I signed the card, I lived on 302 Ennis Street.

DIRECT EXAMINATION

Q. (By Mr. Williamson) Mr. Parker, did you ever work for the General Steel Company? A Yes, sir.

Q. Were you working for them in July of last year? A Yes, sir.

[fol. 803] Q. Were you working for them in August of last year? A Yes, sir.

Q. Mr. Parker, I show you what I have marked as General Counsel's Exhibit 6(a) (73) and ask you if you can identify that card.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (73) for identification.)

A. Yes, sir.

Q. (By Mr. Williamson) Is that your signature? A Yes, sir.

Q. Is that date that appears on that—

MR. HAMLIN: I object to his examining about the date in that fashion.

TRIAL EXAMINER: When did you sign it?

THE WITNESS: Union Hall.

TRIAL EXAMINER: What is that?

THE WITNESS: Union Hall.

TRIAL EXAMINER: When and not where? About when did you sign it?

THE WITNESS: Right after they started getting the union up?

TRIAL EXAMINER: Do you remember about when it was?

THE WITNESS: No, sir, when the meetings first started. It has been a long time. I filled in everything but the date.

[fol. 805] THE WITNESS: I filled my card out all but the date, and I taken it up there and laid it down there on a desk about like a table; and when I laid it down, he look at it; and I reckon he put in the date then.

Q. (By Mr. Williamson) Who looked at it? A. Him and him.

MR. WILLIAMSON: Let the record indicate that the witness is indicating Ted Davis and Napolean Brown.

TRIAL EXAMINER: Yes.

[fol. 806] Q (By Mr. Williamson) Mr. Parker, did you read this card before you signed it? A Yes, sir, I heard a lot of people, you know, explain it.

[fol. 808] Q Do you know whether the union petitioned for an election or not? A I know that I wanted a union to represent me.

[fol. 810] Q (By Mr. Williamson) Do you know Mr. Tony Parker? A Yes, sir.

Q Who is he, sir? A Brother.

Q (By Mr. Williamson) Do you know whether or not your brother signed a card during the union campaign? A Yes, sir.

TRIAL EXAMINER: Whether he signed?

THE WITNESS: Yes, sir, he did.

[fol. 811] Q (By Mr. Williamson) All right, Mr. Parker, I show you what I have had marked as General Counsel's Exhibit 6(a) (74).

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (74) for identification.)

Q (By Mr. Williamson) And ask you if you have seen that card before, sir? A Yes.

MR. HAMLIN: May I see the card, sir?

TRIAL EXAMINER: What is the answer?

THE WITNESS: Yes, sir.

[fol. 812] Q (By Mr. Williamson) Can you tell us whose signature is on the card?

MR. HAMLIN: Objection.

THE WITNESS: The one who filled it out or the one who signed it?

TRIAL EXAMINER: Did you see anybody sign that card?

THE WITNESS: Yes. I seen my wife fill in every bit of it.

TRIAL EXAMINER: I don't know why you have to ask leading questions.

MR. WILLIAMSON: My questions aren't leading.

Q (By Mr. Williamson). Who filled out the card? A My wife.

Q All right, can you tell us the circumstances under which your wife came to fill out that card. A Well, we were setting on the back porch.

Q Now who is we? A Me and my wife and Tony. And I gave him this card, and he looked at it a few minutes, and he handed it back to my wife and told her to fill it out; and he said that if she need to know anything to ask him questions, and he was sitting on one side of her and I was sitting on the other, to fill it out and give it back to him; and she filled it out and gave it back to him.

Q All right, do you remember approximately when [fol. 813] this was? A Pretty well in the summer time, September, somewhere along in there, I won't say for sure, but it was in the summer time.

Q Was your brother working at General Steel when this occurred? A Yes, sir.

Q (By Mr. Williamson) About how long after you signed your card would you say this incident with your brother happened in connection with your card? A I won't say for sure but I would say about a month.

[fol. 814] VOIR DIRE EXAMINATION

Q (By Mr. Hamlin)

A When I first gave it to him, he looked at it and laughed a little bit and said, "There are a lot of words here I can't read." And she read it off to him, and he said, "Go ahead and fill it out."

[fol. 815] Q She read it off to him? A Yes.

Q Can your wife read? A Yes, good.

Q Your brother cannot read? A He can read a little, about like I can.

Q And you don't know whether this card was dated at the time or not? A Yes, sir.

Q How do you know whether it was dated or not? A I set beside of her and watched her fill it out.

[fol. 818]

BOBBY LLOYD

was called as a witness by and on behalf of the General Counsel and after having been first duly affirmed, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address and speak up loud, please.

THE WITNESS: Bobby Lloyd, 291 A, Sophia, North Carolina.

[fol. 821] Q (By Mr. Williamson) Mr. Lloyd, do you know Mr. Jack H. Roshier? Or Rozier? A Yes.

TRIAL EXAMINER: How do you spell his name?

[fol. 822] MR. WILLIAMSON: R-o-z-i-e-r.

MR. HAMLIN: What was the question?

(Question read.)

Q (By Mr. Williamson) Has Mr. Rozier ever worked at General Steel?

TRIAL EXAMINER: Doesn't the list establish it?

MR. WILLIAMSON: Sir?

TRIAL EXAMINER: The list establishes it, doesn't it?

MR. WILLIAMSON: I just wanted to tie it in.

TRIAL EXAMINER: All right.

Q (By Mr. Williamson) Did Mr. Rozier work there in July of last year? A Yes.

Q And did he work there in August of last year? A Yes.

Q Did you see Mr. Rozier on the job? A Yes.

Q I show you a card.

MR. HAMLIN: May I see it?

Q (By Mr. Williamson) As General Counsel's Exhibit 6(a) (76) and ask you if you can identify that card.

(The documents above-referred to was marked General Counsel's Exhibit No. 6(a) (76) for identification.)

A Yes.

Q (By Mr. Williamson). What is that card?
[fol. 823] MR. HAMLIN: Object.

TRIAL EXAMINER: Sustained.

A It is a union card.

MR. HAMLIN: Objection.

TRIAL EXAMINER: Sustained.

Q (By Mr. Williamson) Where have you seen that card before, sir? A I saw it at the union meeting.

Q Did you observe anyone put a signature on that card? A Yes. He did.

Q Who is that, sir? A Jack Rozier.

Q Did he do this in your presence? A I was sitting right next to him when he signed it.

Q Do you know whether or not he read the card before he signed it? A I don't recall that he read it at the moment, you know, I wasn't paying attention to him, but everything was explained at the meeting.

Q Did anyone read the contents of the card at this meeting? A Mr. Ted Davis.

Q Was Mr. Rozier present when Mr. Davis read that Card? A Yes, sir.

[fol. 826] VOIR DIRE EXAMINATION

Q (By Mr. Hamlin)

[fol. 829] Q And you wouldn't know for sure whether the card he signed there in your presence is the very same card that has been presented to us here, would you? A I saw him when he turned it in.

Q Similar to this? A It was just like it. He turned it in.

Q Mr. Davis had told you that you would get a chance [fol. 830] to vote on this matter and that you could vote either way? A If the company forced us into an election.

Q And you could vote either way? A My understanding when I signed the card—

Q Not your understanding, I am asking you what Mr. Davis said. A What do you mean, that you could vote either way?

Q Yes. A If there was an election, we could.

[fol. 831]

PAUL WIDENER

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Widener, would you state your name and address for the record, please. A Paul Widener, 502 White Oak Street, High Point.

Q Mr. Widener, were you ever employed, were you an employee of General Steel Products in August of 1964?

A Yes, sir.

Q Were you employed there during the month of July, 1964? A Yes, sir.

Q What was your job? A Bed assembler.

Q Mr. Widener, I show you General Counsel's Exhibit marked for identification Number 6(a) (77).

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (77) for identification.)

Q (By Mr. Cowherd) And ask you if you can identify that card? A Yes.

Q Is that your signature on that card? A Yes, sir.

[fol. 832] Q Did you read the card before you signed it? A Yes, sir.

Q Did you fill out the card? A Yes, sir.

Q Did you date the card at the same time you signed it? A Yes, sir.

MR. HAMLIN: May I see the card, please, sir?

MR. COWHERD: We offer General Counsel's Exhibit marked 6(a) (77) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Mr. Widener, did someone come to see you about this? A Yes.

Q And ask you to sign? A Yes.

Q Who was that? A Mr. Davis.

Q Where did he come to see you? A He came to my home, I lived on Wren Street then.

Q And was this on the same date that you signed the card? A Yes.

Q Did Mr. Davis tell you that the purpose of signing cards was just to get an election or something to that [fol. 833] effect? A He said that they were trying to get an election in, to have a vote at General Steel. That is what he told me about it.

Q Did he go on to tell you that you could vote either way in this election? A Yes.

Q Did he tell you that signing a card didn't mean that you had to register your vote for the union? A Yes, sir.

TRIAL EXAMINER: I don't quite understand that question now, Mr. Hamlin, "Register a vote for the union"?

MR. HAMLIN: Yes.

TRIAL EXAMINER: You mean at an election?

MR. HAMLIN: I will ask a further question.

TRIAL EXAMINER: Yes.

Q (By Mr. Hamlin) He told you, did he not, that signing this card didn't necessarily mean that you were supporting the union? A That's right.

Q Did he tell you that your card would be kept confidential except for getting an election?

MR. COWHERD: Objection.

TRIAL EXAMINER: Sustained.

[fol. 834] Q (By Mr. Cowherd) Mr. Widener, what was it exactly, sir, that Mr. Davis told you when you signed the card? A If I can remember, he was talking about trying to get a vote in, get an election down at the plant.

Q Well, sir, did he tell you that it was only for the

purpose of an election? A He didn't put it that way. He said that they were trying to get an election in, that's all.

MR. HAMLIN: I have one or two more.

FURTHER VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) But he did tell you that signing a card didn't mean that you were supporting the union?

A He didn't say anything about that.

Q He did explain to you that signing a card did not mean that you were agreeing to support the union? A He didn't make it sound that way.

* * * * *

TRIAL EXAMINER: Did you read the card before you signed it?

THE WITNESS: That's right.

[fol. 835] TRIAL EXAMINER: Did you understand it?

THE WITNESS: Pretty well, yes, sir.

JOHNNY GIBSON

was called as a witness by and on behalf of General Counsel and, after having first been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Williamson) Will you state your name and address for the record, please. A Johnny Gibson, 300 West Main Street, Thomasville, North Carolina.

Q Mr. Gibson, did you ever work for the General Steel Company? A Yes, sir.

Q Are you working there now? A Yes, sir.

Q Did you work there during the year 1964? A Yes, sir.

[fol. 836] Q Did you work there during the entire year of 1964? A Yes, sir.

* * * *

[fol. 840]

FURTHER REDIRECT EXAMINATION.

Q. (By Mr. Williamson) Mr. Gibson, do you know an individual by the name of John Wesley McCarter? [fol. 841] A. Yes, sir.

Q. Does he work at General Steel? A. He did back last summer. I think he has quit now, I don't know; I don't know where he is right now.

Q. I show you what has been marked as General Counsel's Exhibit 6(a) (79) purporting to be an authorization card for the Upholsterers' International Union—

MR. HAMLIN: We object to the characterization. May I see it before it is shown to the witness?

MR. WILLIAMSON: May I have the witness identify it and then I will show it to him?

TRIAL EXAMINER: Yes.

MR. MARTIN: He is identifying it himself.

TRIAL EXAMINER: Show him the card. There is no need for him to describe it.

THE WITNESS: Yes, sir, I remember it.

MR. HAMLIN: May I see the card?

MR. WILLIAMSON: You may now see the card.

TRIAL EXAMINER: Is this John W. McCarter, is that who you are talking about?

MR. WILLIAMSON: Yes.

Q. (By Mr. Williamson) Where have you seen that card before, Mr. Gibson?

MR. HAMLIN: I didn't understand that he had said that he had seen it.

[fol. 842] Q. (By Mr. Williamson) Have you seen the card before? A. Yes, sir.

Q. When was that, sir? A. Out in the parking lot in George O'ham's car. Mr. Carter went out, and he asked me if I had any cards, and I said, "George O'ham has them in his car"; and George O'ham gave me permission—

MR. HAMLIN: Objection to recital of conversation with other people.

THE WITNESS: And I saw—

TRIAL EXAMINER: Would you read back what you have got so far, Miss Reporter.

(Record read.)

Q (By Mr. Williamson) Was Mr. O'ham there with you and Mr. Carter? A Yes, sir, he was sitting in the car.

Q All right, go ahead. A And Mr. McCarter read the card.

MR. HAMLIN: Objection to his conclusion that he read it.

MR. WILLIAMSON: Mr. Examiner, I think that is the sort of thing that a lay witness can testify to.

TRIAL EXAMINER: Overruled.

Q (By Mr. Williamson) Go ahead, sir. A I asked him to read it; and it appeared to me that he appeared to be reading it; and then he filled it out himself.

[fol. 843] Q Did he fill that card out in your presence? A Yes, sir.

Q What did he do with the card after he filled it out? A We left it with George O'ham and he turned it in.

MR. WILLIAMSON: All right, we don't insist on that last.

MR. HAMLIN: I understand the last may go out.

TRIAL EXAMINER: What O'ham did with it?

MR. WILLIAMSON: Yes.

TRIAL EXAMINER: All right, what O'ham did with it may go out.

Q (By Mr. Williamson) When did this happen? A It was around July.

Q Of what year? A '64.

[fol. 847] MR. HAMLIN: In 2491. The amended Paragraph 6 of the Complaint had two additional foremen, do you see the list there? Two additional supervisors identified as foremen, alleged supervisors, Richard Davis and Robert Simpson. We acknowledge that Richard Davis became a foreman on 9-23-64, and that Robert Simpson was a foreman at all times relevant in the complaint.

[fol. 854] **GEORGE HAROLD ORR**

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address, please.

THE WITNESS: George Harold Orr, Archdale, Post Office Box 4064.

[fol. 870]

FURTHER DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Orr, I show you General Counsel's Exhibit 6(a) (83) for identification.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (83) for identification.

Q (By Mr. Cowherd) And ask if you can identify that card. **A** Yes, sir.

Q And whose signature is on that card?

MR. HAMLIN: Objection.

TRIAL EXAMINER: If he knows.

A I am not sure about the signature there, but I believe it is the same boy that filled out, I would say it is Jimmy Monroe's I would say.

Q (By Mr. Cowherd) Mr. Orr, were you present when Mr. Monroe signed this union authorization card?

A Yes, sir.

[fol. 871] **MR. HAMLIN:** Objection.

Q (By Mr. Cowherd) Or signed that exhibit number?

MR. HAMLIN: Objection.

A Yes, sir.

TRIAL EXAMINER: He may answer. The answer is in. The answer may stand.

Q (By Mr. Cowherd) Will you tell us the circumstances under which Mr. Monroe signed that card. **A** Me

and Mr. Napolean Brown went to his home, I knew the boy, and I saw I called him out, and we talked; and he took a card and read it; and he said, yes, he was interested in it; and so he took a card and signed it.

Q And you were present the whole time? A Yes, sir.

TRIAL EXAMINER: Just a moment. May I see Trial Examiner's Exhibit 1, please?

MR. COWHERD: May I proceed?

TRIAL EXAMINER: Go ahead.

Q (By Mr. Cowherd) Did Mr. Monroe fill out a whole card? A All of this writing on here he did.

Q What date did this occur on? A The seventh month, the second of '64, I believe it was, I am not sure of that.

Q What did Mr. Monroe do after he signed this card?

A Well, he got out of the car and went back in his home. [fol. 872] Q Did he take the card with him? A No, sir, he left it with Mr. Brown.

[fol. 873] TRIAL EXAMINER: I show you this card, General Counsel's 6(a) (83). Are you sure that that was the card that Mr. Monroe signed?

The Witness: Yes, sir, this is the card.

[fol. 901]

JACK ROZIER

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Have a seat, and state your full name and address for the record.

THE WITNESS: Jack Rozier, Route 5, Box 311, High Point, North Carolina.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Rozier, I show you General Counsel's Exhibit Number 6(a) (76) marked for identification and ask you if that is your signature? A Yes.

MR. COWHERD: No further questions.

[fol. 910] LARRY W. ROBINSON

resumed the stand and testified, further as follows:

TRIAL EXAMINER: Mr. Robinson, you are still under the same oath that you took before.

THE WITNESS: Yes.

DIRECT EXAMINATION RESUMED

Q (By Mr. Cowherd) Mr. Robinson, I show you General Counsel's Exhibit marked for identification Number 6(a) (87) and ask you if you can identify that card. A [fol. 911] Yes, sir.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (87) for identification.)

Q (By Mr. Cowherd) Whose signature appears on that card?

MR. HAMLIN: Objection unless he knows.

A Floyd Douglas Coe.

TRIAL EXAMINER: Did you see anybody sign that card?

THE WITNESS: Yes, sir, Floyd Douglas Coe.

Q (By Mr. Cowherd) Do you know Mr. Coe? A Yes, sir.

Q Is that his signature on the card?

MR. HAMLIN: Objection.

TRIAL EXAMINER: Objection sustained.

Did you see anybody sign that card? Coe.

THE WITNESS: Yes, sir.

* * * * *

Q Did he read the card before he signed it? A I read the card to him.

Q You did? A Yes, sir.

Q Do you know where Mr. Coe is now? A He lives in Columbus, Georgia. That is all I know.

* * * * *

[fol. 918] Q (By Mr. Cowherd) Mr. Robinson, do you know Larry Leon Robinson? A Yes, sir.

Q Is he any relation to you? A Yes, sir.

Q What is that? A He is my cousin.

Q Does he now work or did he work at General Steel Products Company? A He is still employed there I understand.

Q Did you or did you not give him a union organization card? [fol. 919] A I did give him a union authorization card.

Q Can you tell us the circumstances of how you came to give him the card? A Well, I knew that he wanted one.

MR. HAMLIN: Objection.

Q (By Mr. Cowherd) Don't tell us what you know, but what happened, the circumstances. A It was July 23, I believe, I am not sure; the shipping office at supper time when I give him the card. And I presume he looked at it.

MR. HAMLIN: Objection.

TRIAL EXAMINER: Objection sustained.

Q (By Mr. Cowherd) What did he do? A I gave him the card, he read the card, and he signed it, and gave it back to me.

MR. HAMLIN: Objection.

Q (By Mr. Cowherd) Was he looking at the card?

A Yes, sir.

TRIAL EXAMINER: Objection overruled.

Q (By Mr. Cowherd) Now can you tell us what was said? What did you tell him? A Well, I gave him the card and I told him that he would be represented by the union, and I wanted him to read it; and so he signed it, and gave it back to me.

[fol. 920] TRIAL EXAMINER: And then what happened?

THE WITNESS: After he signed the card—

TRIAL EXAMINER: After you gave him the card, and then what you told him, and then what happened?

THE WITNESS: He held it out in front of him like this, like he was reading it; and then he signed it, and filled it out and signed it; and gave it back to me.

TRIAL EXAMINER: I take it that this is with respect to GC (a) (54)?

MR. COWHERD: Yes.

Q (By Mr. Cowherd) I show you General Counsel's Exhibit marked 6(a)(54) and ask you if this is the card that was given back to you? A Yes, sir.

[fol. 921] Q (By Mr. Cowherd) Mr. Robinson, I show you General Counsel's exhibit marked for identification number 6(a)(88) and ask you if you can identify that card. A Yes, sir.

Q Were you present when that card was filled out? A Yes, sir, I was.

Q Did you see the person on that card fill it out? A Yes, sir.

Q Did he fill it out entirely? A No, sir, I put the date.

MR. HAMLIN: May we have the name, sir?

MR. COWHERD: If I asked him the name, you would object.

Q (By Mr. Cowherd) Now, sir, whose signature appears on the card? A Dan T. Coe.

Q Is that the person who signed the card? A Yes, sir, it was.

[fol. 922] Q In your presence? A Yes, sir.

Q Did he read the card before he signed it? A Yes, sir, he did.

Q (By Mr. Cowherd) Is Dan T. Coe an employee of General Steel Products now? A Yes, sir. I mean, no, sir.

Q Was he ever employed at General Steel Products? A Yes, he was.

Q And when was this? A He came to work after vacation time last year; I believe it was July 6; maybe two or three weeks after that.

[fol. 923] Q (By Mr. Cowherd) Two or three weeks after that, he did what? A He came to work for General Steel.

Q What? A I say a couple of weeks after that, a couple of weeks after vacation, June 6 or July 6.

TRIAL EXAMINER: He came to work at that time?

THE WITNESS: Yes, sir.

TRIAL EXAMINER: All right.

Q (By Mr. Cowherd) Was he an employee there during the month of August? A Yes, sir.

Q Was he employed there—well, you have testified to that. Do you know where he is now? A No, sir.

* * * * *

[fol. 925] (By Mr. Hamlin)

Q And you had not seen it since then until you went to this stand, is that right? A That's true, yes, sir.

Q Are you telling us that you did not meet with counsel who are pressing this case to find out whether you could identify this card or not? A I know the date that I signed—

TRIAL EXAMINER: That is not the question. Did [fol. 926] you talk to either of those gentlemen sitting on the other side of table there, these two lawyers sitting right here in front of you?

THE WITNESS: No, sir, I have never talked to those two lawyers about those cards.

* * * * *

Q (By Mr. Hamlin) Do you know that he left the High Point area? A All I know is that he left General Steel and I haven't seen him since.

* * * * *

[fol. 928] Q Mr. Robinson, I show you General Counsel's Exhibit marked for identification 6(a)(89) and ask you if you can identify that card.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(89) for identification.)

A Yes, sir.

Q (By Mr. Cowherd) Were you present when that card was filled out? A Yes, sir.

[fol. 929] Q Who signed it? A Curtis Benson.

Q Did he read the card before he signed it?

MR. HAMLIN: Objection.

TRIAL EXAMINER: Did you see whether he read it or not?

THE WITNESS: Yes, sir, he read the card.

MR. HAMLIN: Objection to his conclusion. He can describe what he saw.

TRIAL EXAMINER: Well, describe what you saw at the time—

THE WITNESS: He read the card aloud. I asked him to. He read the card aloud before he signed it.

TRIAL EXAMINER: Go ahead.

Q (By Mr. Cowherd) And did he fill out the whole card? A Yes, he did.

Q And was he working at the plant at the time he signed the card? A Yes, sir, he was.

Q And what was his job, do you remember? A He was a spring up man, a bed assembler.

Q And when was it that he signed the card? A It was July 9.

Q Now describe to us how it came to be that he signed the card, did you give it to him? A I give him the card; I told him that it was a union authorization card for the [fol. 930] union to represent him, and I gave him this card for him to read, and he read it aloud, and filled out the card, and signed his name, and gave it back to me.

Q Do you know where Mr. Benson is now? A No, sir, I don't.

[fol. 932] Q (By Mr. Hamlin) Mr. Robinson, before this card was put before you on the stand, when was the last time you had seen it? A In January when this fellow and me discussed the cards.

MR. COWHERD: Let the record reflect that he is pointing at Mr. Cowherd.

Q (By Mr. Hamlin) Then you had been shown these cards in January? A That's right.

Q Including the other cards that we have referred to? A Yes, sir.

Q And you had discussed them with Mr. Cowherd? A Yes, sir.

Q And had you not also discussed these cards and seen these cards since we have been in session up here in this court room? A No, sir, I sure haven't.

[fol. 933]

GEORGE O'HAM

resumed the stand and testified further as follows:

DIRECT EXAMINATION

Q (By Mr. Williamson) State your name and address for the record. A George W. O'Ham, 815 Willow Place, High Point.

[fol. 936]

FURTHER DIRECT EXAMINATION

Q (By Mr. Williamson) I show you what has been marked, General Counsel's Exhibit marked for identification, Number 6(a) (91) and ask you if you can identify that card.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (91) for identification.)

A Yes, I can.

Q (By Mr. Williamson) Do you know who filled that card out? A Kelly Smith.

[fol. 937] Q (By Mr. Williamson) Did you ever give Mr. Kelly Smith, a union card? A I did not hand it to him. I told him where he could get one.

Q You told him where he could get one. Where did you tell him that he could get one? A In the front seat of my car.

Q All right, sir, do you know whether or not Mr. Smith got a union card out of the front seat of your car?

A Evidently he did because he brought it—

MR. HAMLIN: Objection.

TRIAL EXAMINER: Objection sustained.

Q (By Mr. Williamson) Did Mr. Smith ask you for a card? A Yes, sir, he had asked me for one.

[fol. 938] Q And what did you tell him? A I told him that there was one in my car if he wanted to get it.

Q All right, now, did you have occasion to see Mr. Smith at any subsequent time after that? A Yes, sir, I saw him a time or two after that. He brought the card to me.

Q Did he hand you the card? A Yes, sir, he handed me the card.

Q And is the marked, the card I have marked as GC 6(a) (91), is that the card that he handed to you? A Yes, sir, that is the card.

Q Was there any conversation between the two of you when he handed you the card? A I asked him if he had read and signed it.

MR. HAMLIN: Objection to the hearsay.

TRIAL EXAMINER: You may answer.

Q (By Mr. Williamson) Answer the question. A I asked him if he had read the card and he said, "Yes."

MR. HAMLIN: Move to strike.

TRIAL EXAMINER: Motion denied.

THE WITNESS: I said, "Did you sign it?"

And he said, "Yes." I took the card, looked at it, and put it in my pocket.

MR. HAMLIN: I move to strike the answer and the question whether he signed it.

[fol. 939] TRIAL EXAMINER: Motion denied.

Q (By Mr. Williamson) Do you remember the date Mr. Kelly handed you the card on? A It was one day after the card was signed; if I am not mistaken, it already has the date on it; 7-22; I am not positive, '64; which would be July the 22nd. I am not positive without looking at the card but I think that it was 7-22.

Q When Mr. Smith got the card from you, Mr. O'ham, or asked you for it, did you have any conversation with him at that time about the union?

MR. HAMLIN: Objection.

TRIAL EXAMINER: He may answer.

A Not at the time.

Q (By Mr. Williamson) Did you have a conversation with him on the subject of the union at any time prior to the time he handed you General Counsel's Exhibit 6(a) (91)?

MR. HAMLIN: Objection.

A Yes.

TRIAL EXAMINER: Overruled.

Q (By Mr. Williamson) Where did you have that conversation? A At my home.

Q And who was present? A My son.

[fol. 940] Q Was Mr. Smith present? A Yes. Mr. Smith was there talking to my boy and I was talking to him about the union.

Q All right, tell what was said between you and Mr. Smith on that occasion?

MR. HAMLIN: Objection.

TRIAL EXAMINER: Was this before or after?

MR. WILLIAMSON: This was before the card was handed back to Mr. O'ham. He is, however, unclear as to whether or not the card had been signed.

TRIAL EXAMINER: He may answer.

MR. HAMLIN: Objection.

TRIAL EXAMINER: Overruled.

A He was there talking to my boy about trading automobiles, and when I went out the back door to see who was out there, I had just started to call my boy to supper; he asked me about a union card and I said, "Year, I don't have any now"; and then I asked him if he understood anything about it; and he said, "Yes"; I said, "well"; I said; we discussed it a little bit and it seemed he did understand it.

Q All right, tell what the substance of your discussion was. A Well, he wanted—

MR. HAMLIN: We object.

TRIAL EXAMINER: You may answer.

[fol. 941] THE WITNESS: Well, he wanted to know if signing the card was joining the union or just what effect it would have; I said, "As far as I know, you are joining the union"; I said, "That is what the cards have on the card." And that is why I told him to read the card again, if he got the card from me, so that he would understand; that is the reason.

Q (By Mr. Williamson) What reply, if any, did he make to these statements on your part? A He said he would read the card and be sure that—

* * * *

[fol. 942] Q (By Mr. Hamlin) Who wrote the words "General Steel" on this card, Mr. O'ham? A I asked Kelly Smith why the two different colored inks and he said, "I broke my pen." That is the only answer he gave me.

Q You are testifying that "General Steel" was on there when it was handed back to you? A That's right.

Q What did you do with this card? A I turned it in to Mr. Davis.

[fol. 944] Q (By Mr. Williamson) Do you know Mr. Theron B. Williamson, Mr. O'ham? A Yes, sir, I do.

TRIAL EXAMINER: What number is that? Here, I can tell you. It is Number (67), all right.

Q (By Mr. Williamson) Do you know whether or not [fol. 945] Mr. Williamson signed an authorization card for the Upholsterers?

MR HAMLIN: Objection.

TRIAL EXAMINER: You may answer yes or no.

THE WITNESS: Yes, sir.

Q (By Mr. Williamson) Were you present, sir? A Yes, sir.

Q Did you read the card to him before he signed it?

MR. HAMLIN: Object to the leading.

MR. WILLIAMSON: I don't know how else to ask him the question in common, ordinary, every-day English.

TRIAL EXAMINER: The objection is overruled.

THE WITNESS: Yes, sir, I read the card to him.

[fol. 949] TRIAL EXAMINER: Well, as I say, just gathering from the general nature of your conversation and the correspondence that I have had with the counsel for the Respondent with respect to the issuance of subpoenas, I take it that you are now talking about the subpoenas which were issued directed to the Regional Director, is that correct?

[fol. 950] MR. COWHERD: Correct.

TRIAL EXAMINER: Well, what is your position on that?

MR. COWHERD: Well, we received one of them this morning directed to the Regional Director asking for all union authorization cards deposited with the Regional Director by Upholsterers' International Union of North America, AFL-CIO, on or about August 14, 1964, in connection with the petition for election in the above-entitled case.

[fol. 951] MR. HAMLIN: We think that among the cards which General Counsel will offer in evidence that there are cards which were not dated concurrently with the signing, and that these additional cards which were deposited with the Regional Director as purportedly supporting this Petition will have among them cards that are obviously post-dated; people who weren't in the plant or working there at the time; and that is the best way I [fol. 952] know to investigate the question of whether there were cards deposited with the Board bearing a date different from the actual date of signing.

MR. COWHERD: We again say that it is irrelevant as we are not relying on these cards; and I might add that the cards that we have in our possession that were dated prior to the Petition are people who are not on the list supplied by the Company; and that was the criterion which we decided a relevant card was, the list that was supplied by the Respondent. If the name was not on there, and we had a card signed by that employee, by an employee who was not on the list, we did not intend to use it, we do not intend to use it.

MR. HAMLIN: But if there are among those cards, cards which bear a date when the man was unemployed by the company; in other words, obviously post-dated cards, they will cast doubt on the dating of all of those cards. Now obviously they are not going to put in evidence any card of a man who was not still working at the plant on the date of the Petition. Now apparently they have, in off-the-record discussions I have had indications that they do have numerous cards which don't appear on this list but which were deposited by the Union in support of this petition.

MR. COWHERD: Well, it is quite possible that the employees who signed those cards were either quit, discharged, and who are not working there; and that is—
[fol. 953] MR. HAMLIN: It bears on the Union's good faith, and the date that these cards bear may impeach the entire process.

MR. COWHERD: Well, I don't see where the Union's good faith has much to do with it. It is not a real issue in the case.

TRIAL EXAMINER: Well, where do we stand at the present moment then? What is it? I don't know what is pending before me.

MR. COWHERD: What is pending before you? Whether or not this subpoena, as stated here, is relevant.

TRIAL EXAMINER: Well, are you moving to quash?

MR. COWHERD: We are moving to quash the subpoena.

MR. HAMLIN: On the grounds that you have just stated?

MR. COWHERD: On the grounds that I have just stated, irrelevant, irrelevancy; it is too broad.

TRIAL EXAMINER: Well, I think that I, for the reasons stated by the General Counsel, and I am relying upon his statement that he will introduce into evidence all of the cards which he claims were signed on or before the date of the demand, and whose names appear on the list of employees supplied by the Company; and I understand that you are going to do that.

MR. COWHERD: That we intend to do.

TRIAL EXAMINER: The Motion to Quash will be granted.

[fol. 954] MR. HAMLIN: Exception.

[fol. 957]

JOE DILLS

was called as a witness by and on behalf of the General [fol. 958] Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Speak up loud, and give us your full name and address.

THE WITNESS: Joe Dills, 106 Oakwood Street.

TRIAL EXAMINER: Your next number will be 92;
6(a) (92).

MR. COWHERD: This card has already been marked
as 6(a) (20).

TRIAL EXAMINER: 6(a) (20).

MR. COWHERD: He was called but he wasn't here.

TRIAL EXAMINER: Wait a minute. That's right.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Dills, have you ever been
an employee of the General Steel Products Company? A
Yes.

Q Did you work there during the month of August,
1964? Did you work there in July of 1964? Answer the
question yes or no. A Yes.

Q Did you work there in August, 1964? A Yes.

Q Did you work there in July, 1964? A Yes.

Q And who was your foreman during those months?

A I think it was; yeah, it was Reynold Potts.

[fol. 959] Q Mr. Potts? A Yes.

Q What department did you work in, what was your
job? A 22, Press Operator.

Q Mr. Dills, I show you General Counsel's Number
6(a) (20) and ask you if you can identify that card. A
Yes, sir.

Q Is that your signature, sir? A Yes.

Q Did you read the card before you signed it? A
Yes.

Q And what date did you sign the card on? A I
don't know exactly what date.

MR. HAMLIN: I object to leading him by showing
him the card.

MR. COWHERD: I am refreshing his recollection. It
is on the card.

MR. HAMLIN: If he put it there, then we would not
object.

MR. COWHERD: I am going to ask him the question.

MR. HAMLIN: All right, sir.

Q (By Mr. Cowherd) Did you fill out the whole card
yourself? A Yes, sir.

Q The date on there, did you write that in yourself or did someone else do it for you? A This date right here?

[fol. 960] Q Right there. A No, I didn't write that date in.

Q Well, who was present when you filled out your card? A I don't remember.

Q Do you recall anyone putting the date on for you? A No.

Q Looking at the date on the card, does that represent the approximate date that you signed the card?

MR. HAMLIN: Objection.

TRIAL EXAMINER: Do you remember approximately when you signed the card?

THE WITNESS: It was approximately this time right here the best I can remember.

TRIAL EXAMINER: You mean the time indicated on the card?

THE WITNESS: Yes.

MR. COWHERD: I offer General Counsel's Exhibit marked 6(a) (20) into evidence.

(The document above-referred to was marked General Counsel's Exhibit 6(a) (20) for identification.)

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Mr. Dills, you did not put that date on yourself? A No.

[fol. 961] Q And it was not put on in your presence, was it? A I don't remember whether it was or not.

Q About what time of year did you sign this card, sir? A The first time that the union tried to go in before the last election.

Q Was that back in the fall and winter? A I think it was a little bit before Christmas.

TRIAL EXAMINER: Well, now, just a minute, what were you referring to? The election or when he signed it?

MR. HAMLIN: I am referring to when he signed it, a little bit before Christmas.

Q (By Mr. Hamlin) Of what year now, do you know? A 1964.

Q When was it with reference to your moving into the new plant? A What?

Q Was it before you moved into the new plant? A No.

Q Was it shortly after you moved into the new plant? A Yes.

MR. HAMLIN: May the record show that this card bears a date, 7-21-64.

Q (By Mr. Hamlin) Mr. Dills, did Mr. Ted Davis here come to see you about signing this card? A Him? [fol. 962] Q Yes, this gentleman here. A Yes.

Q Was anybody else with him? A I think there was two.

Q Before you signed this card, did you tell Mr. Davis that this did not necessarily mean that you were voting for the union?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Well, it seems to me in this line of examination, what we are trying to find out, and I assume that this is what you are trying to establish is what was told this employee at the time that the cards were signed.

MR. HAMLIN: Or what he told them if it also represents an understanding between the parties.

TRIAL EXAMINER: That's right.

MR. WILLIAMSON: I withdraw that objection.

TRIAL EXAMINER: All right.

Q (By Mr. Hamlin) Did you, before you signed this card tell Mr. Davis that signing the card didn't necessarily mean that you were voting for the union? A Yeah, I told him that.

Q Did you ask Mr. Davis if your card would be kept secret? A Yes.

Q What did Mr. Davis tell you about that? A He told me that nobody would know about it.

[fol. 963] Q Did he tell you that nobody but the Labor Board would know about it? A Yes.

* * * *

[fol. 964]

WILLIAM WARD

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your name and address and speak up loud and clear, please.

THE WITNESS: William Ward, 304 Phillips Street, Thomasville.

MR. COWHERD: I would like to have this marked for identification as General Counsel's Exhibit Number 6(a) (92) for identification.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (92) for identification.)

[fol. 965]

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Ward, were you employed at General Steel or Crown Flex of High Point during the month of August, 1964? A Yes, sir, I was.

Q And what was your job? A Spring Up Department. I had different jobs. We would run core machines part of the time, and loop machines, and springing up beds part-time.

Q And who was your foreman? A Ed Cecil.

Q I show you General Counsel's Exhibit marked for identification marked number 6(a) (92) and ask you if you can identify that card, please. A I sure can.

Q Is that your signature? A Yes, it is.

Q Did you read the card before you signed it? A Yes, I did.

Q And did you fill out the whole card yourself? A I did, I sure did.

Q And did you put the date on there? A I sure did.

MR. COWHERD: I offer General Counsel's marked 6(a) (92) into evidence.

[fol. 966]

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Mr. Ward, who put the date on this card? A I put it on.

Q You are testifying that that date is also in your handwriting?

TRIAL EXAMINER: The answer is yes.

A Yes.

Q (By Mr. Hamlin) Who approached you about signing the card and asked you to sign the card? A Well, actually no one did. I heard some of them talking about it around the plant; no one seemed to have a card, an extra card. I went up and got the card myself.

Q Where did you go to get the card? A I went up to see Mr. Davis and Mr. Brown.

[fol. 967] Q (By Mr. Hamlin) Did they tell you that this was just to get an election? A Well, I don't remember exactly about that. There were some of us that wanted a union to represent us. I was one of them.

Q Did they tell you anything to the effect that this was to get an election? A Oh, yes, he told me it was to get an election.

Q Did he tell you that you could vote either way in the election? A Yes, sir, he sure did.

Q Did he tell you that by signing this card that you were not necessarily registering a vote for the union? A Yes, sir.

Q Did he tell you that this card would remain confidential or secret except for showing it to the Labor Board? A I think they did, I am not sure. I am not too sure about that.

[fol. 968] THOMAS RAY HAIRE

was called as a witness by and on behalf of the General Counsel and after having been first duly sworn was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address, please.

THE WITNESS: Thomas Ray Haire, 210 Harding Street.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Haire, were you employed at General Steel Products during the month of August, 1964? A Yes.

Q Were you employed there during the month of July, 1964? A Yes.

Q What was your job, sir? A Working on bed assembly.

Q Speak up loud and clear. A Worked on bed assembly.

Q Who was your foreman? A Bob somebody, I don't know his last name.

Q Sparks? A No, Bob.

Q What department were you in, do you recall? A [fol. 969] I believe it was three, I don't remember now. I don't know what department that was.

TRIAL EXAMINER: Speak up louder.

THE WITNESS: I don't remember what department that was.

Q (By Mr. Cowherd) Mr. Haire, I show you General Counsel's marked for identification Number 6(a) (93).

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (93) for identification.)

Q (By Mr. Cowherd) And ask you if you can identify that card. A Yes.

Q Is that your signature on that card? A Yes.

Q Did you fill out the whole card? A No.

Q What part did you fill out? A Just signed it.

Q Just signed it? Did you read the card before you signed it? A No.

Q Was it read to you? A Yes.

Q Who read it to you? A Mr. Brown.

Q Did he fill out the rest of the card for you?

[fol. 970] MR. COWHERD: "I do hereby designate and authorize the Upholsterers' International Union of North America, AFL-CIO and its representatives to act as my representative for the purpose of collective bargaining with respect to rates of pay, wages, hours, of employment and other conditions of employment."

Q (By Mr. Cowherd) Now does that refresh your recollection as to what was read to you at the time you signed the card? A Yeah, he read what was on the card.

Q Is that what he read? A Yes.

Q What I read to you? A Yeah, before I signed the card.

Q Now do you recall approximately the date that you signed the card? A I think it was in July. I don't remember the exact date.

Q What year? A 1964.

MR. COWHERD: I offer General Counsel's Exhibit 6(a) (93) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) You say that the only writing on this card that you did was to write your name? A Yes.

Q And anything else on here has been put in here by [fol. 971] somebody else? A Yeah, but I was there when he put it there and I know what he put down on there.

Q Well, what was put down on here? A He just filled it out and I just signed it; and he read to me what he put on there.

Q And he filled it out first and then you signed it? A Yes.

Q And where did this happen? A I lived at 1517 Tyre Avenue.

Q And who came to see you there about this? A Mr. Brown.

Q Was anybody with him? A Yes, sir.

Q Was Mr. Kaiser with him? A No. It wasn't 'nary one of them.

Q I beg your pardon. A It wasn't 'nary one of them.

Q I see the initials GBK on the back of this card. They don't mean anything to you? A No.

Q There was somebody else with Mr. Brown but not one of these gentlemen? A There was somebody with him but not one of them.

Q All right, did Mr. Brown or the man with him tell

you that the purpose of these cards was just to get an [fol. 972] election in the plant? A No, he didn't.

Q Did they tell you that there would be an election and that you would be entitled to vote either way? A He said that there would be an election and you could vote however you wanted to.

Q Did he tell you that by signing this card that you weren't necessarily agreeing to vote for the union? A No, he didn't say I wouldn't vote for the union. I just signed the card for the union to represent me, whenever it got in.

[fol. 987]

BILLY JACK FOWLER

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address, please.

THE WITNESS: Billy Jack Fowler, Clinton Street, High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Fowler, were you an employee of General Steel Products Company in the month of August, 1964? A Yes, sir.

Q Were you employed at General Steel Products Company during the month of July, 1964? A Yes.

Q What was your job, sir? A Utility man, set up machines; get out parts.

Q And who was your foreman? A Ray Fulp.

Q I show you, Mr. Fowler, General Counsel's Exhibit marked for identification Number 6(a) (95) and ask you if you can identify the card, please. A Yes, sir.

[fol. 988] Q Is that your signature? A Yes.

Q Did you fill out the card? A I filled out this top part.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (95) for identification.)

Q (By Mr. Cowherd) Which part was that? A My name and my address.

Q Name and the address? A Yes, sir.

Q Who put the date on? A Mr. Brown, I think, I am not sure.

Q Was it put on in your presence? A Yes, sir.

Q You saw it put on? A I didn't look at him, but he was writing it on there while I was there.

Q And this happened at the same time that you signed the card? A Yes, sir.

Q Did you read the card before you signed it? A Yes, sir.

Q Now I ask you what date was it that you signed the card approximately? A I couldn't say; it has been a long time ago.

[fol. 989] Q Do you remember the month? A No, sir. It was before July sometime, I think.

Q Before July or in July? A Sometime along there; I don't know exactly when it was.

* * * * *

[fol. 993] Q (By Mr. Hamlin) Did any of them tell you that?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Tell you that the card would be used only for an election?

THE WITNESS: No, sir.

Q (By Mr. Hamlin) Did any of them tell you that the purpose of the card was just to get an election? A No, sir.

* * * * *

[fol. 995] Q (By Mr. Hamlin) Did anybody tell you that nobody would see it but the Labor Board for the purpose of getting an election? A Yes, sir.

Q Who told you that? A Mr. Brown.

Q And how long before you signed that card did Mr. Brown make that statement? A Approximately about two weeks.

Q Was this at a meeting? A Yes.

MR. WILLIAMSON: Object and move to strike the whole line of testimony.

TRIAL EXAMINER: Motion denied.

Q (By Mr. Hamlin) This statement was made in a talk he made at a meeting? A Yes, sir.

Q And how many people attended that meeting? A [fol. 996] About 15.

* * * * *

[fol. 998] GEORGE KAISER

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address, please.

[fol. 999] THE WITNESS: George Kaiser, 400r Sedgewood Road, Greensboro.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Kaiser, where are you employed? A AFL-CIO, Region 8.

Q Could you tell us some of the details of your job, please. A Well.

Q What staff are you on? A I am on the AFL-CIO Staff, Region 8, and my duties are to assist the International Unions in this area.

Q In what area? A Well, for the last two years up until this past February, I worked in the Greensboro-High Point area in various campaigns.

Q Now were you ever assigned to work with the Upholsterers' International Union? A Yes, sir.

Q And did you do, have any organizing activities for that union? A Yes, sir, I did.

* * * * *

[fol. 1001] Q During the time between April and November of 1964 or to be more specific, during the time between April and the time the petition was filed in August, did you have occasion to sign up employees of General Steel? A Yes, sir, I did.

* * * * *

[fol. 1003] Q (By Mr. Cowherd) Mr. Kaiser, I show you General Counsel's Exhibit marked for identification Number 6(a) (96) and ask you if you can identify that card.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (96) for identification.)

MR. HAMLIN: Objection at this point. May we at this point discuss, perhaps the Examiner would give us an indication of how he would prefer for us to proceed. We think that it is a leading question to present this witness with a card that is bearing a man's name, and asked him if he signed that man up.

* * * * *

[fol. 1004] THE WITNESS: Yes, sir, I can identify it.

Q (By Mr. Cowherd) Whose signature appears on the card?

MR. HAMLIN: Objection.

TRIAL EXAMINER: He may answer.

A Curtis White.

Q (By Mr. Cowherd) Do you know Mr. White? A Yes, sir.

Q Did you have an occasion to sign him up for the union?

MR. HAMLIN: Objection.

A Yes, sir.

Q (By Mr. Cowherd) Or did you present him a card for the Upholsterers' Union? A Yes, sir, I did.

Q Did he sign the card in your presence? A He did.

Q Is that his signature? A Well,—

MR. HAMLIN: Objection.

TRIAL EXAMINER: He may answer.

A Yes, sir.

Q Did he read the card before he signed it?

MR. HAMLIN: Objection.

[fol. 1005] TRIAL EXAMINER: He may answer.

A Yes, sir.

* * * * *

Q And what was the date that he signed the card?

MR. HAMLIN: Objection.

TRIAL EXAMINER: He may answer.

A It was in July the best I can remember.

* * *

[fol. 1008] (By Mr. Hamlin)

Q Where is White now, Curtis White, Jr.? A I don't know.

Q Have you attempted to find him? A No, sir, I haven't, personally, no, sir.

Q Do you have any knowledge of efforts made to find him? A That specific person, do I know if anybody on that specific person, I don't; I know that there were efforts on some of them; I don't know; I didn't have anything to do with going out and getting the people up; I don't know.

Q In whose handwriting is the card other than the [fol. 1009] name of the man? A Well, the date on the card is Mr. Brown's.

Q Mr. Brown put that on? A That's right.

Q You did not put that on? A No, that doesn't look like my handwriting.

Q And Mr. Brown was not present at the time it was signed? A No, he wasn't.

* * *

[fol. 1013] Q (By Mr. Hamlin) I show you Trial Examiner's Exhibit 2, being a letter on the letterhead of the Upholsterers' International Union and bearing at the end of it a typed signature, typed signatures, Ted Davis, George Kaiser, and Nathan Brown. Will you examine [fol. 1014] that, sir. A Yes, sir, we put this out.

Q And in that letter, you confirmed to this man and all card signers that their cards were secret?

MR. COWHERD: Objection.

MR. WILLIAMSON: Objection.

Q (By Mr. Hamlin, continuing) Did you not, sir?

TRIAL EXAMINER: Objection sustained.

* * *

MR. HAMLIN: I don't know whether we previously offered that as an exhibit for the Respondent. We would like to do so, sir.

TRIAL EXAMINER: I think you did, and I indicated at that time.

MR. HAMLIN: All right.

[fol. 1015] TRIAL EXAMINER: It is in the record, it has been admitted in evidence.

MR. WILLIAMSON: It wasn't offered by them, Mr. Examiner, it was offered by that Intervenor. And I think that I still have an objection to the receipt of it.

TRIAL EXAMINER: Well, it doesn't make any difference as to who else offered it, it is in evidence. Any and all parties may use it for whatever it is worth.

* * * * *

Q (By Mr. Cowherd) Mr. Kaiser, what was it that you told Mr. White when you talked to him about signing the card? A Well, when I talked—

MR. HAMLIN: We object. The card has been received, as I understand.

TRIAL EXAMINER: Well, I don't know, he may answer.

THE WITNESS: I told him that, of course, we had a campaign on and I asked him to sign a card, and I told him what the purpose of the card was for.

[fol. 1016] TRIAL EXAMINER: What did you tell him about the purpose?

Q (By Mr. Cowherd) What exactly did you tell him? A Well, I asked him if he would sign the card to authorize the Upholsterers' International Union to represent him out where he worked.

* * * * *

[fol. 1018] What is it that you tell people that you solicit about the purpose of your visit to them?

THE WITNESS: Well, of course, I go to them and I tell them, you know, who we are; and tell them who I am; and after they identify who they are; then I tell them that we have got a campaign on, which they know, and we are trying to get people to sign cards for the union to represent them; and then if the person will ask me if the card is kept secret or if there will be an election, then I tell them that actually when we get the majority of the people signed up, we will send a letter to the company

asking us to recognize, that is, asking them to recognize us; and in most cases, they probably won't recognize us; and then at that time, we petition with those cards to the National Labor Relations Board and file a petition; and then if we have to go to an election, of course, nobody knows how you vote; but I always tell people that if they are not for the union, well, then, don't sign the card.

[fol. 1019] TONY PARKER

resumed the stand and testified further as follows:

TRIAL EXAMINER: You were administered the oath before and you are still under that same oath.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Parker, were you an employee of General Steel Products during the month of August, 1964? A Yes, sir.

Q Were you employed there during the month of strike that—who was your foreman? A Tommy Parish.

Q What was your job? A Parts boy.

Q Parts boy? A Yes.

[fol. 1020] Q Mr. Parker, I show you General Counsel's Exhibit marked for identification Number 6(a) (74) and ask you if you can identify the card. A Yes.

Q Is that your signature on the card? A No, it ain't.

Q Whose signature is it? A It is my brother's wife.

Q And what is your brother's wife's name? A Thelma.

Q What is your brother's name? A Jimmy.

Q Jimmy Parker? A Yes.

Q Did Mrs. Parker, Thelma, did she sign the card in your presence? A Yes, sir.

Q Did you request her to do it for you? A Yes.

Q Did you read the card before you signed it? A She read it to me.

Q She read the card to you? A Yes.

Q What do you recall she read? A Well.

Q What do you remember?

[fol. 1021] TRIAL EXAMINER: The substance of what she read to you.

Q (By Mr. Cowherd) What was it about? A I couldn't tell you.

Q Was it about a union? A Yes. Getting a union to represent you.

TRIAL EXAMINER: I don't get that. What was the answer?

MR. COWHERD: Getting the union to represent you.

TRIAL EXAMINER: All right.

Q (By Mr. Cowherd) Now, Mr. Parker, do you recall the date that you signed the card? A No, I don't.

Q Do you remember the month? A Well.

Q Approximately?

TRIAL EXAMINER: What season of the year was it, was it during the winter or during the summer, or fall, do you remember?

THE WITNESS: It was in the summer.

[fol. 1027] JAMES EUGENE MORGAN

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address.

THE WITNESS: James Eugene Morgan, 605 Kerns.

TRIAL EXAMINER: And speak up loud, please.

MR. HAMLIN: What's his name?

TRIAL EXAMINER: James Morgan; and his card is in evidence.

MR. COWHERD: Yes. 6(h), is that right?

Yes, that's right.

TRIAL EXAMINER: 6(h), yes.

DIRECT EXAMINATION.

Q (By Mr. Cowherd) Mr. Morgan, were you an employee of General Steel Products during the month of [fol. 1028] August, 1964? A Yes, sir.

Q Were you employed there in June of 1964? A Yes, sir.

Q What was your job, sir? A I was inspector.

Q Again? A I was inspector.

Q And who was your foreman? A Tommy Parrish.

Q Mr. Morgan, I show you General Counsel's Exhibit marked for identification Number 6(h) and ask you if you can identify the card. A Yes, sir.

Q Is that your signature? A Yes, sir.

Q Did you fill out the card? A No, sir.

Q Who filled it out? A Wayne McCall.

Q What date did you sign the card? A I don't remember the date. I believe it was back about the middle of June of July, something like that.

Q In the middle of June or July? A Yes.

[fol. 1029] Q Is that your answer? A Yes, sir.

Q Did you read the card before you signed it? A No, sir, he read it to me.

Q Who? A Wayne McCall.

Q Wayne McCall? A Yes.

Q Do you recall what Mr. McCall said when he read it to you? What did he read to you? A I understood did I want a union.

Q That you would want—say it again, and speak up, please. A He read it to me; and what I thought it meant, did I want a union; did I put my faith in the union.

MR. COWHERD: I offer General Counsel's Exhibit Number 6(h) into evidence.

TRIAL EXAMINER: It is in evidence.

MR. COWHERD: You may examine.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin)

* * *

[fol. 1031] Q Did he tell you that this card was just to get an election in the plant, or just so the folks could vote on it, or anything like that?

MR. COWHERD: Objection.

MR. WILLIAMSON: Objection.

A No, sir, he said that he thought that we would get a chance to vote.

[fol. 1032] JOHN WESLEY MCCARTER

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address.

THE WITNESS: John Wesley McCarter, 205 Abbot Street, High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. McCarter, were you employed at General Steel during the month of August, 1964? A Yes, sir.

Q Were you employed there in the month of July, 1964? A Yes, sir.

Q What was your job during that time? A I was working on bed.

Q What? A Making beds.

Q Making beds? A Yes.

[fol. 1033] Q Who was your foreman? A Bob, I forgot his last name.

Q Sparks? A No.

Q Simpson? A No, I have forgot his last name.

Q Bethea? A Bethea, yes.

Q I show you General Counsel's marked 6(a)(79) and ask you if you can identify the card, please. A Yes, sir.

Q Is that your signature? A Yes, sir.

Q Did you read the card before you signed it? A Yes, sir.

Q Did you fill out the whole card? A Yes, sir.

Q What date did you sign it on? A The middle of July, the first of August, one.

MR. COWHERD: That's all.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin)

[fol. 1035] Q Now did he talk to you about the union and about the purpose of signing the card before you signed it? A Yes, sir.

Q Did he tell you that the purpose of signing these cards was just to get an election in the plant? A No, sir.

[fol. 1036] **JIMMY MONROE**

was called by and on behalf of the General Counsel as a witness, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address.

THE WITNESS: Jimmy Monroe, 207 Griclar Street, (spelling of witness), High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Monroe, were you an employee of General Steel Products Company in the month of August, 1964? A Yes, sir.

Q Were you employed there during July of 1964? A Yes, sir.

Q What was your job during that time? A Knock up, bed assembly.

Q Who was your foreman? A Bob Bethea.

[fol. 1037] Q I show you General Counsel's Exhibit marked for identification Number 6(a)(83) and ask you if you can identify the card, please. A Yes, sir.

Q Is that your signature on the card? A Yes, sir.

Q Did you fill out the card yourself? A Yes, sir.

Q Did you read the card before you signed it? A Yes, sir.

Q Approximately when did you sign the card? A In July.

Q What year? A 1964.

[fol. 1041] VOIR DIRE EXAMINATION

[fol. 1042] Q (By Mr. Hamlin) Did Mr. Brown and this other fellow have any discussion with you about signing the card before you signed it? A Yes, they read it and told me all about it.

Q Now which one of them read it to you? A Mr. Brown.

Q Now this conversation, where did this conversation take place? A Out on 1715 Tyre.

[fol. 1043] Q At your house? A No, sir, out on the road, aside the road.

Q Were you sitting in a car? A Yes, sir.

Q What time of day was it or night? A It was just about the edge of dark.

Q Do you know this fellow, George Orr? A I sure don't.

Q Do you know George Orr? A No, sir, not personally. I have seen him over there at General Steel once or twice.

Q Did George Orr also read it to you? A No, sir, I don't believe he did.

Q Did Mr. Brown tell you that the purpose of signing cards was just to get an election held in the plant? A No, sir.

Q Did he tell you that even though you signed a card that you could still vote either way you wanted to in the election? A Yes, sir.

Q Did he tell you that by signing a card you were not agreeing to support the union. A What was that again?

Q Did he tell you that by signing a card that you were not agreeing to support the union? A Yes, sir.

[fol. 1050] Q (By Mr. Cowherd) He handed you the card, and as a result of that, what did you do? A I read the card, and filled it out, my address and stuff on it.

Q You read the card? A Yes.

Q Did he tell you something like what you read? A About like that.

CURTIS BENSON

[fol. 1051] was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Speak up good and loud, and give us your name and address, please.

THE WITNESS: Curtis Benson, 815 Willow Place, High Point.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Benson, were you an employee of General Steel Products during the month of August, 1964? A For a while and then I quit.

Q Were you employed there in July? A Yes.

Q What was your job? A Spring up.

Q Who was your foreman? A Ed Cecil.

Q All right. A The last week I worked there, I worked the second shift, I worked for Larry Robinson.

Q I show you General Counsel's Exhibit marked for identification Number 6(a)(89) and ask you if you can identify the card, please.

Yes or no.

Q (By Mr. Cowherd, continuing) What is your answer? A Yes.

[fol. 1052] Q Is that your signature on the card? A Yes, it is.

Q Did you fill out the card? A Yes.

Q Did you read the card before you signed it? A Yes, I did.

Q What was the date that you signed the card? A It was in July.

* * * * *

[fol. 1054] (By Mr. Hamlin)

Q Did Mr. Robinson tell you that the purpose of these cards was just to get an election in the plant? A Yes, he did.

[fol. 1055] Q Did he tell you that you had a right to vote either way you liked in this election? A Yes, sir.

Q And did he tell you that by signing a card you were not agreeing to support the union? A Yes, sir.

Q (By Mr. Cowherd) Starting at the beginning of the conversation that you had with Mr. Robinson when he gave you the card, would you tell us exactly what was said. A I couldn't tell you exactly what was said: it has been a'quite a while back; he mentioned the union to me before he gave me the card.

[fol. 1056] TRIAL EXAMINER: What did he say?

THE WITNESS: He mentioned about the union.

TRIAL EXAMINER: Wait a minute. Just give us the best that you can everything that was said at that time.

THE WITNESS: Well, he brought the subject up and he asked me was I interested in it; and I asked him to tell me more about it; and he said to sign the card that I would be signing that I wanted the union to represent me with the company; and it sounded right good to me; and so I signed it.

TRIAL EXAMINER: Can you remember anything else that was said?

THE WITNESS: No, I can't.

Q (By Mr. Cowherd) After you signed the card, was there any talk about an election? A I don't remember too much about it; you see, I quit in August.

MR. COWHERD: That's all.

TRIAL EXAMINER: Well, do you remember anything being said about an election at that time?

THE WITNESS: You see, I couldn't say whether it was or not; George O'ham, he walked over there, and he kept talking about it; George O'ham; he is my uncle; and he came over there; and he kept talking about it, after I had already gone from there; he would come over there; and so I couldn't say whether I remember it from when I worked there or not.

[fol. 1057] GEORGE B. KAISER

resumed the stand and testified further as follows:

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Kaiser, do you know an employee at General Steel by the name of Bobby Fulp?
A Yes.

Q Did you have occasion to visit him at his home about [fol. 1058] signing a union card? A Yes, sir, but he was; I went to his home but he was out in the tobacco field; is actually where I seen him.

Q Did you ask him to sign a union card? A Yes, sir.

Q Did he sign it? A No, sir.

Q All right. A He asked me to fill it out for him; when he, when I talked to him, he had his, he had an oil can; and it looked like he had been spraying; and he said, "Go ahead and fill it out"; and he, he also asked me if I knew Mr. Reid Stewart in this conversation; that he used to be a member of the union that Reed Stewart is an International Representative for, the Carpenters.

Q I show you General Counsel's Exhibit marked 6(a) (25) and ask you if you can identify that.

I will ask you if you can identify that card. A That's right.

Q Is that the card that you signed for him? A It is.

Q That is, Mr. Fulp? A That's right, yes, sir.

Q Did you fill out the whole card? A I filled out everything but the date; I didn't put the date on that.

[fol. 1059] Q Do you know who put the date on there? A Yes, sir, Mr. Brown put the date on there.

Q Did he date it the same date that you signed the card for Bobby Fulp?

MR. HAMLIN: Objection.

TRIAL EXAMINER: When did this occur, this conversation with Mr. Fulp?

THE WITNESS: When did it occur?

TRIAL EXAMINER: Yes, when did you fill the card out?

THE WITNESS: It was in the early August, I believe, the early part of August.

TRIAL EXAMINER: What year?

THE WITNESS: '64.

TRIAL EXAMINER: All right.

Q (By Mr. Cowherd) What did you do with the card after you filled it out? A Well, I took it back to the union hall.

Q What happened to it then? A I gave it to Mr. Brown and he put the date on it.

Q Did you see him put the date on it? A I did.

TRIAL EXAMINER: Well, when was that with relation to the time you filled it out for Mr. Fulp?

THE WITNESS: The same day but it was later on after I returned from Kernersville and got back to High Point.

[fol. 1060] Q (By Mr. Cowherd) Did you bring any other cards back with you that day? A I don't remember; not from over there, I don't think so; not from that section; when I speak of, over there; when I speak of that, I mean over there around Kernersville.

Q Have you on other occasion brought back cards and given them to Mr. Brown? A More than one card. I don't know; I know this particular time I brought it back; and give it to him; I didn't know what the date is; and I didn't have a calendar; otherwise, I would have put the date on it. I didn't know what the date was I mean; and I didn't have a calendar; otherwise, I would have put the date on it.

[fol. 1062] Q (By Mr. Cowherd). Mr. Kaiser, do you know an employee named, of General Steel, named Willie Shores? A Yes, sir.

Q And he worked there, or do you know whether he worked there during the month of August, 1964? A Yes.

[fol. 1063] Q (By Mr. Cowherd) Did you have occasion to talk to Mr. Shores during August or July of last year? A Yes, sir, I did.

Q What was the conversation about? A I went to him, and talked to him and approached him about joining the union.

Q Where did you approach him? A At his home.

Q Did he sign the card while you were there? A Well.

Q Did he sign a card? A He did.

Q Were you there when he signed it? A Yes, sir.

Q I show you General Counsel's Exhibit marked 6(a)
(97) and ask you if you can identify the card. A I can.

Q Is that the signature Mr. Shore put on the card?

A That's right.

Q Did he fill out the card in your presence? All of it?
A That's right.

Q Who put the date on there? A I put the date on
there.

Q Did you read the card to him before he signed it?
A I gave him the card and he read it.

[fol. 1064] Q He read it? A That's right.

Q Before he signed it? A That's right.

* * * * *

[fol. 1067] Q That is the extent of your knowledge
about his ability? A I approached him and asked him
if he would be interested in having the union represent
him and he told me that he would.

* * * * *

Q (By Mr. Cowherd) Mr. Kaiser, do you know an
employee named James Robinson? A Yes, sir.

Q Did you approach him about signing the union card?
A Yes, sir.

Q Do you recall when this was approximately? A
Yes, sir, it was in July; in fact, I had went to this boy's
house; I believe this boy lived over on Lincoln Street; I
know it was out close to the plant; and I went to see him
[fol. 1068] a couple of times and I missed him; and I
went to see him on a Saturday; I know there were two
boys that lived in the house; I seen one of them on a
Saturday; and then the next day which was Sunday; one
of them was named Charles; and one of them was named
James; but I can't remember which one I seen on Satur-
day, which one it was I seen on Saturday but I seen both
of them; but I don't know which one I seen on Saturday
or Sunday.

TRIAL EXAMINER: You mean you saw one of them
on Saturday and the other one on Sunday, is that what
you are saying?

THE WITNESS: Yes, sir. I had been over there several times and couldn't catch them; and since I only live about seven miles from High Point, I had come back on a Saturday or Sunday.

Q (By Mr. Cowherd) Did you give Mr. Robinson a union card to sign?

TRIAL EXAMINER: Now which one are you talking about?

MR. COWHERD: James Robinson.

TRIAL EXAMINER: All right.

Q (By Mr. Cowherd) Did you give him a card? A Yes, sir.

Q Did he read the card before he signed it? A Yes, sir.

M. HAMLIN: Objection.

TRIAL EXAMINER: He may answer.

THE WITNESS: Yes, sir, I gave him the card and [fol. 1069] he read the card but he didn't sign it on a Saturday; he told me that his brother worked there; and I came back on a Sunday.

MR. HAMLIN: Objection to hearsay.

TRIAL EXAMINER: You may go on.

THE WITNESS: I came back on a Sunday and as I drove up, both of the boys, undoubtedly, they seen me drive up, and they both come out; and they give me the cards; both of the boys then, you know, gave me the cards; it was each, each card was filled out.

Q (By Mr. Cowherd) I show you General Counsel's 6(a)(98).

(The document above-referred to was marked General Counsel's Exhibit 6(a)(98) for identification).

Q (By Mr. Cowherd) And ask you if you can identify the card. A I can.

Q Is that the card that James Robinson gave you? A That's right. That's the card.

Q Now I notice that there are two colors of inks there. Did you put anything on the card yourself? A Actually I didn't. The card was turned, both cards were turned into me on a Sunday; I didn't put anything on them.

Q Did you write the date on there? A No, sir, I didn't.

Q Is this the condition that the card was in when you received it with the exception of this identification? A [fol. 1070] Yes, sir, all of the red ink, what was in red was on the card when he gave it to me.

Q How about the date? A No, sir, the date wasn't on it.

Q Did you put the date on there? A No, sir.

Q What did you do with the card after you got it back from Mr. Robinson? A Well, I had two cards.

Q Two cards. What did you do with them? A Well, the following day was Monday and of course I turned the cards in.

Q To who? A I turned them in to Napoleon, Mr. Brown, and he put the dates on most of the cards.

Q Did you see him write the date on there? A I did.

TRIAL EXAMINER: What's the date on there?

MR. COWHERD: 7-18-64.

[fol. 1076] Q (By Mr. Cowherd) Mr. Kaiser, do you know an employee by the name of Charles Robinson? A I do.

Q Is he any relation to James Robinson? A Yes, sir, he is; it is my understanding that there are, that they are brothers.

Q Is Charles Robinson the person that you have been referring to in connection with the testimony that you gave regarding James Robinson? A Yes, sir.

Q Did you ever approach Charles Robinson to sign a union authorization card? A I approached, I believe it was James that I talked to on Saturday; and then I went back on a Sunday; and then I talked to both of them; I know that their name is Robinson; but Charles and James, I mean, I know that they live at the same address, but I could be, you know, get mixed up on Charles and James; I know that both of their last names is Robinson.

Q Did you talk to the Robinson boys before you gave [fol. 1077] them cards? A I talked to him, I talked to one of them on a Saturday and I talked to both of them on a Sunday; the day that I picked up both of them.

TRIAL EXAMINER: Do we have to repeat all of this again? It seems to me very clear that he talked to both of them, both of the boys.

MR. COWHERD: It seems to me that it is clear but Mr. Hamlin—

TRIAL EXAMINER: But you are asking the same questions again; you have got that testimony in there; now if you have got anything further with reference to either Robinson, let's have it. There is no sense in repeating it.

Q (By Mr. Cowherd) Did Mr. Charles Robinson read the card before he signed it?

MR. HAMLIN: Objection.

TRIAL EXAMINER: You may answer.

MR. HAMLIN: He has testified that he did not see them sign it.

MR. WILLIAMSON: That's not the same thing as asking a man if he read it before he signed it; he can ask him if he read it or not.

TRIAL EXAMINER: You may answer, if you know.

THE WITNESS: When I went over on Sunday and they brought the cards out to me, they was both signed; and course, then that is when I, the boy on the Saturday did; but when I went out on a Sunday, they were both [fol. 1078] signed; both of them came out to see me; and I asked them; I said, "Now you all understand what this is all about".

And they said, "Yes."

And I said, "Well, do you understand that by signing those cards you are authorizing"—

MR. HAMLIN: Objection.

THE WITNESS: "—to represent you."

TRIAL EXAMINER: Part of the conversation. You may answer. Go on.

THE WITNESS: But I don't believe that I read it to him, the one Sunday because the card was all filled out; I can't remember reading it to him; and he had already filled it out; and I can't; I just can't remember him reading it to me or me reading it to him; but I do remember talking to him because of the situation the way it was.

Q (By Mr. Cowherd) All right, I show you General Counsel's Exhibit 6(a) (99) and ask you if you can identify the card.

(The document above-referred to was marked for identification as General Counsel's Exhibit No. 6(a) (99). for identification.)

A Yes, sir.

Q (By Mr. Cowherd) Is that the card that Mr. Charles Robinson gave to you? A That's right.

[fol. 1086] GEORGE B. KAISER

resumed the stand and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Kaiser, do you know an employee by the name of Gordon Shuffler? A Yes, sir, I do.

Q Did you ever have occasion to approach him regarding joining the union? A Yes.

TRIAL EXAMINER: What is that name?

MR. COWHERD: Gordon Shuffler.

TRIAL EXAMINER: All right.

Q (By Mr. Cowherd) Did you give him a union card? A Yes, sir.

Q Did he sign it in your presence? A Yes, sir.

MR. HAMLIN: Objection to the leading.

TRIAL EXAMINER: Yes. Objection sustained.

Q I show you General Counsel's 6(a) (100).

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (100) for identification.)

Q (By Mr. Cowherd) And ask you if you can identify the card. A Yes, sir.

Q Is that the card that Mr. Shuffler gave to you or did he give you a card? A That is the card that he signed.

Q Were you present when he signed it? A Yes, sir.

Q Did he fill out the card? A Yes, sir.

Q Do you know whether or not he read the card?

MR. HAMLIN: Objection.

TRIAL EXAMINER: If he knows.

A Yes, sir.

TRIAL EXAMINER: Did you see him read it?

THE WITNESS: Yes, sir, he was sitting in the kitchen.

Q (By Mr. Cowherd) And he filled out the whole card, did he? A That is my handwriting; I filled out the date.

Q You filled out what? A I filled out the date.

TRIAL EXAMINER: Who filled out the rest of it?

THE WITNESS: He did, Mr. Shuffler.

Q (By Mr. Cowherd) Did you put the date on the card at the time that you had the conversation with him? A Yes, sir, we were sitting down in the kitchen at the kitchen table there; and after he signed it, he gave it back [fol. 1088] to me, and I put the date on it.

[fol. 1091] JOHN LEE SWANEY

was called as a witness by and on behalf of the General Counsel, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address, please.

THE WITNESS: John Lee Swaney, Route 2, Denton.

MR. HAMLIN: What was that middle name?

THE WITNESS: Lee.

DIRECT EXAMINATION

Q (By Mr. Williamson) Mr. Swaney, were you working for General Steel last August, 1964? A Yes, sir.

Q And what was your job at that time, sir? A Press Operator.

Q Sir? A Press Operator.

Q Were you working there during the month of July, 1964? A Yes, sir.

Q All right, sir, I show you what I have marked as General Counsel's Exhibit 6(a) (101) and ask you if you can identify that card.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (101) for identification.)

Q (By Mr. Williamson) Is that your signature on the card? A No, sir, it is my old lady's.

[fol. 1092] Q Sir? A It is my wife's.

Q Did you wife sign the card? A Yes, sir.

Q Did you give her permission to place your name on the card?

MR. HAMLIN: Objection to the leading, sir.

TRIAL EXAMINER: Yes.

Q (By Mr. Williamson) How did your wife come to sign the card? A I asked her to read it to me and she read it to me when I asked her to sign it.

Q You asked her to sign it? A Yes, sir.

[fol. 1097] GEORGE B. KAISER

resumed the stand and testified further as follows:

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Kaiser, do you know an employee by the name of Frank Swink? A Yes, sir.

Q Did you have occasion to talk to him about signing a union card? A Yes, sir.

Q Do you know approximately when that was? A Yes, sir, I believe it was in July.

[fol. 1098] Q Did he sign a union card? A Yes, sir.

Q Were you present when he signed it? A Yes, sir.

Q Did you give him the card? A Yes, sir.

Q Do you know whether he read it or not before he signed it? A Well, he took it and looked at it, and I presume that he was reading it; I mean, he took and, you know, held it up; he didn't read it out loud.

TRIAL EXAMINER: Let the record show that the witness placed his hand in front of his face.

Q (By Mr. Cowherd) I show you General Counsel's Exhibit marked for identification Number 6(a) (102) and ask you if you can identify the card. A That's right.

Q Is that the card that Mr. Swink signed in your presence? A Yes, sir.

Q Did he fill out the whole card? A Yes, sir, I think he did.

Q Did he put the date on there? A Yes, sir, I think he did.

Q Well, think about a minute and make sure.

If you are sure, say so, and if you are not, say that [fol. 1099] you are, and if you are not, then you are not, and say that you are not. A He filled out everything on the card.

Q Did you put the date on there? A No, I didn't.

Q Was the card in this condition filled out like this when you got it back from Mr. Swink? A That's right.

[fol. 1103]

TED B. DAVIS

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address.

THE WITNESS: Ted B. Davis, Route 2, Box 541, Brown Summit, North Carolina.

MR. HAMLIN: What address again?

COURT REPORTER: Route 2, Box 541.

MR. HAMLIN: Brown Summit?

COURT REPORTER: Yes.

DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Davis, what is your job? A International Representative for the Upholsterers' International Union of North America, AFL-CIO.

Q Mr. Davis, did you work on the organizational campaign that the Upholsterers' had at General Steel? A I did.

Q During last year? A Yes.

[fol. 1104] Q (By Mr. Cowherd) Mr. Davis, do you know an employee by the name of Lenora Bryant?

TRIAL EXAMINER: Are you temporarily passing Mr. Furr?

MR. COWHERD: Yes.

TRIAL EXAMINER: All right, now, who are calling, what card now?

MR. COWARD: This will be Lenora Bryant.

A I do.

Q (By Mr. Cowherd) Did you approach Lenora Bryant in regards to signing a union authorization card? A [fol. 1105] Yes.

Q Do you recall approximatey when this was? A In the latter part of June or early July.

Q What year? A 1964.

Q Did you give her a union authorization card? A I did.

Q Did she sign it? A She did.

Q Were you present when she signed it? A I was.

Q Did she fill out the card? A Yes.

Q Herself? A Yes.

MR. HAMLIN: We object to the leading.

MR. COWHERD: It can be answered yes or not.

TRIAL EXAMINER: Who filled it out?

Q (By Mr. Cowherd) Who filled out the card? A Lenora Bryant, on Richardson Street in High Point, North Carolina in the house just behind the Employment Security Commission Office.

Q I show you General Counsel's Exhibit 6(a)(104) and ask you if you can identify the card, please. A Yes. [fol. 1106] Q Is that the card that Miss Bryant or Mrs. Bryant signed in your presence? A Yes.

Q And do you know whether or not she read the card before she signed it? A Yes, she did.

MR. COWHERD: I offer General Counsel's Exhibit 6(a)(104) into evidence.

(The document above-referred to was marked General Counsel's Exhibit No. 6(a)(104) for identification.)

[fol. 1108] (By Mr. Hamlin)

Q Now you told Mrs. Bryant, did you not, that these cards would only be used to get an election and would otherwise be kept secret? A No.

Q Did she attend any meetings? A Not to my knowledge.

Q You not only told her that they would be kept secret except for getting an election but you confirmed that in a letter to all employees, did you not?

MR. COWHERD: Objection. What are you referring—

MR. HAMLIN: Trial Examiner's, I am referring to Trial Examiner's Exhibit 2.

MR. WILLIAMSON: We object unless there is a specific showing that Mrs. Bryant got a copy of that.

TRIAL EXAMINER: I don't know, is there any testimony that she did get such a letter?

MR. HAMLIN: There is testimony that the letter was sent out and it was addressed to all employees.

TRIAL EXAMINER: Is it?

MR. HAMLIN: Yes.

TRIAL EXAMINER: Objection overruled.

THE WITNESS: Would you restate your question?

Q (By Mr. Hamlin) You confirmed by letter that you had told Mrs. Bryant and others that these cards would be kept secret?

MR. WILLIAMSON: Objection.

Q (By Mr. Hamlin) Did you not?

[fol. 1109] MR. WILLIAMSON: The letter speaks for itself.

TRIAL EXAMINER: Overruled.

A No, sir, I didn't tell her in the letter that I had told her previously that the cards would be kept secret and were just for an election.

Q (By Mr. Hamlin) But you told her in the letter that they would be kept secret?

MR. COWHERD: I renew my objection. The letter speaks for itself.

TRIAL EXAMINER: This is cross-examination. It is proper cross-examination. You may answer.

THE WITNESS: Could I see the letter?

As I read here, this letter reads: "Your petition for a secret ballot election has been filed. Your secret cards have been turned over to the Federal Government." I can see nothing in here where I have said that the cards would be kept secret to any point past the date of August 13.

Q (By Mr. Hamlin) All right, you interpret your letter then, your obligation to keep these cards secret stopped as soon as you sent out this letter?

MR. WILLIAMSON: Objection. Now there is no obligation on Mr. Davis' part—

TRIAL EXAMINER: The objection will be sustained.

MR. HAMLIN: All right, sir.

Q (By Mr. Hamlin) Now, then, the third paragraph from the bottom on the second page, you also refer to these cards as secret, do you not?

"Your signed secret card"; isn't that your reference to these cards there? A That's right.

Q And in that last paragraph you again refer to "signed secret authorization cards"? A That's right.

TRIAL EXAMINER: May I see that? May I see that exhibit?

MR. HAMLIN: Yes, sir.

We object to the card.

TRIAL EXAMINER: It may be received in evidence.

(The document above-referred to, heretofore marked General Counsel's Exhibit No. 6(a) (104), was received.)

FURTHER DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Davis, this letter marked Trial Examiner's 2, letter to employees, did you take any part in drawing up this letter? A I don't recall.

Q Who prepares the letters that are sent to the employees?

TRIAL EXAMINER: Now what is the purpose of this line of examination?

MR. COWHERD: I am going to ask him some questions about it. I am trying to lay a foundation to ask him some questions about what these terms mean in here. If he wrote the letter, he will certainly know.

[fol. 1111] MR. HAMLIN: We object to that.

TRIAL EXAMINER: Objection sustained. The letter is clear and plain, isn't it, on its face?

MR. COWHERD: He has been asking him about secret cards, asking him what they meant and all of this. I want to—

TRIAL EXAMINER: Objection sustained.

Q (By Mr. Cowherd) Mr. Davis, have any of the employees over at General Steel asked you whether their cards would be secret?

MR. HAMLIN: Object.

TRIAL EXAMINER: Sustained.

MR. COWHERD: I would like to know what grounds, Your Honor.

TRIAL EXAMINER: I sustain the objection.

MR. COWHERD: All right.

Q (By Mr. Cowherd) Did any of the employees that you signed up ask about secrecy?

MR. HAMLIN: We object unless he specifies the person he is talking about.

TRIAL EXAMINER: He may answer that.

THE WITNESS: Yes.

Q (By Mr. Cowherd) What did you tell them?

MR. HAMLIN: Objection.

TRIAL EXAMINER: Well, I think that I ought to restrict that type of question to testimony which has relation to any cards which you are trying to introduce through this witness.

Q (By Mr. Cowherd) Did Lenora Bryant talk to you about secrecy? A Yes.

Q What was said about it, what did she ask you? A Her first question was, would her Employer find out she signed the card.

Q What did you say? A I told her that if we had anything to do with it that they would not; that I had never lost a card to an employer nor revealed any cards to an employer or signatures to an employer; that I had never, that there would be no chance of an Employer getting one unless he took it away from me; and that I had never had a card taken away from me yet.

MR. COWHERD: Has the card been received?

TRIAL EXAMINER: Yes.

MR. COWHERD: Do you want to question on that?
MR. HAMLIN: Yes. Just a moment.

CROSS EXAMINATION

Q (By Mr. Hamlin) Mr. Davis, you are now engaged in a proceeding in which you do disclose this card to the Employer and everyone else, are you not?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Sustained.

[fol. 1113] A Yes, sir.

REDIRECT EXAMINATION

Q (By Mr. Cowherd) Do you know an employee named Lynch Whitmire? A Yes, sir.

Q Did you have occasion to approach him regarding the signing of a union authorization card? A Yes, sir.

Q Approximately when? A Somewhere between the middle of June or the first of August.

TRIAL EXAMINER: What is that name?

MR. COWHERD: Lynch Whitmire.

TRIAL EXAMINER: All right.

Q (By Mr. Cowherd) Did you hand him a union authorization card? A I did.

Q Did he sign the card in your presence? A He did.

Q Do you know whether or not he read the card before he signed it?

[fol. 1114] MR. HAMLIN: Objection.

TRIAL EXAMINER: He may answer that yes or no.

Q (By Mr. Cowherd) Well, did he read the card?

MR. HAMLIN: Objection.

TRIAL EXAMINER: He may answer.

A Yes.

Q (By Mr. Cowherd) I show you General Counsel's Exhibit marked 6(a)(105) and ask you if you can identify the card, sir. A Yes, sir.

Q Is that the card Mr. Whitmire signed in your presence? A Yes, sir.

Q Did he fill out the card, all of the card? A No, sir.

Q What part did he fill out? A I dated it for him when he handed it back to me undated and I called it to his attention, and he told me to go ahead and put the date on it.

Q And did you put the date on it? A I did.

Q At the same time? A Yes, sir.

MR. COWHERD: I offer General Counsel's Exhibit 6(a) (105) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Where is Mr. Whitmire now? A I don't know, sir.

[fol. 1115-1116] Q Have you made an effort to locate him? A Yes, sir.

Q What information do you have as to his whereabouts? A That he had gone back home.

Q And where was home? A Somewhere in the mountains of North Carolina.

Q Do you know where? A No, sir.

Q Did you attempt to find out? A Yes, sir.

Q What did you learn? A I went to; well, to give you the full details of it, the man was discharged from the plant sometime last fall, and he came to me and told me that he was going back home, and since the investigation has taken place, I went back to the last known address that we had on him, and asked if they had heard from him, or had any forwarding address, and they did not; and his statement to me was, that he was going back to the mountains.

[fol. 1117] Q (By Mr. Cowherd) Mr. Davis, did you know a family by the name of Laws? A I do.

Q Do you know whether or not there are some Laws

[fol. 1118] Brothers who worked at General Steel? A I do.

Q Do you know their names? A Yes, sir.

Q Could you tell us who they are? A Edward, Charles, Custer, and Zeb, Jr. And their father, Zeb, Senior, also works over there.

Q Did you ever have occasion to approach them re-

garding the signing of a union authorization card? A I did.

Q Can you relate the circumstances about your meeting them? A Yes.

Q Proceed. A I went to see the Laws brothers; and on my first trip, I saw three of the brothers, Charles, Custer, and Zeb and talked to them about the union, and they wouldn't sign a card; they told me that I would have to see Ed; and whatever Ed did, they would follow suit; and so I made another trip at which time I caught Ed at home, Charles and Custer; and I talked with them; and after some discussion, they signed cards; I had to make a return trip to catch Zeb.

Q When was this? How long after? A Just a couple of days after.

Q I want to interrupt you. What month was this? A In July to my best recollection.

Q Approximatey when in July, can you pin point it? [fol. 1119] A I would say towards the last part of July, the last third anyway; and when I saw Zeb, there was no question at that time as to whether Brother Ed had signed or not; he signed the card readily and freely.

MR. HAMLIN: We object to the characterization.

TRIAL EXAMINER: Yes, that part may be stricken.

MR. COWHERD: What was the characterization?

TRIAL EXAMINER: "Freely."

MR. HAMLIN: "Readily and freely."

TRIAL EXAMINER: "Readily and freely." That part may be stricken.

Q (By Mr. Cowherd) Did the Laws Brothers read their cards before they signed them? A No.

Q Did you read it to them? A Yes, I did.

MR. HAMLIN: Object to the leading.

TRIAL EXAMINER: The answer may stand.

Q (By Mr. Cowherd) Do you know whether or not you read the card to them? A I did.

TRIAL EXAMINER: When you say them, I want to make sure who "them" is.

MR. COWHERD: The Laws Brothers.

TRIAL EXAMINER: Well, which one, there are four of them.

[fol. 1120] Q (By Mr. Cowherd) Do you know whether or not you read a union authorization card to Ed Laws? A I did.

Q You did read it or you do know? A I did read it.

Q Do you know whether or not you read a union authorization card to Charles E. Laws? A I did. I did read it to him.

Q Do you know whether or not you read a card to Custer F. Laws? A Yes, I did.

Q Did you read it? A I did.

Q Do you know whether or not you read a card to Zeb Laws, Jr.? A I did.

Q Did you read it to him? A Yes, I did.

Q When you were talking to the three Laws brothers, that is, Edward, Charles, and Custer, did you read the card three times or once? A I think I actually read it twice.

Q Were they all present? A Yes.

MR. COWHERD: I offer General Counsel's Exhibit Numbers 6(a) (42).

[fol. 1121] MR. HAMLIN: Would you give the names if you know them.

MR. COWHERD: That is Ed Laws. Ed Laws is 6(a) (42). I will offer General Counsel's Exhibit 6(a) (43) being the card of Custer Laws.

I offer 6(a) (44) being the card of Charles E. Laws.

I offer 6(a) (45) being the card of Zeb Laws, Jr. all into evidence.

TRIAL EXAMINER: When you say you read the cards to them, what cards are you talking about?

THE WITNESS: One of those cards.

TRIAL EXAMINER: One of these that has just been identified?

THE WITNESS: Yes, sir.

Q (By Mr. Hamlin) These Laws brothers live together, do they? A They live in the same immediate area.

Q At Route 3, Thomasville? A Yes.

Q It is in the same house? A That's right.

Q None of them can read, can they? A I think possibly they all might be able to read a little bit, very limited.

Q At any rate, you read it to them? A Yes.

[fol. 1125] Q (By Mr. Hamlin) You told these men, did you not, that their cards would remain secret? A I assured them that they wouldn't be turned over to their boss man.

MR. HAMLIN: I believe that's all we have.

TRIAL EXAMINER: They may be received, General Counsel's Exhibits Numbers 6(a) (42), (43), (44), and (45).

(The documents above-referred to, heretofore marked General Counsel's Exhibits Nos. 6(a) (42), (43), (44), and (45), were received.)

FURTHER REDIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Davis, do you know a person named Roy D. Gilliland? A I do.

Q Do you know whether or not—did you approach Mr. [fol. 1126] Gilliland about signing a union card? A I did.

Q Do you know whether or not Mr. Gilliland read the card before he signed it? A Well.

TRIAL EXAMINER: Well, let's get that identified. That's GC 6(t), is it not?

MR. COWHERD: Yes.

A (continuing) I believe that I read the card to him.

MR. COWHERD: We offer General Counsel's 6(t), being the card of Ray D. Gilliland into evidence.

TRIAL EXAMINER: I indicated that ruling on this was reserved; the claim at that time was that it was read to him by Mr. O'Ham.

MR. HAMLIN: That is my notes.

MR. COWHERD: Mr. O'Ham?

TRIAL EXAMINER: Yes.

MR. COWHERD: I was under the impression that it was Mr. Davis.

TRIAL EXAMINER: No, that is another card.

[fol. 1128] (By Mr. Cowherd)

Q. Was there any other discussion about the union? A Yes.

Q. Can you tell us what that was about? A He wanted to know if his employer would stand a chance of seeing the card; I assured him that he wouldn't; and I also explained to him that the cards were being signed for representation purposes; that if and when he signed the card I was obligated to act as his representative whether they got a union out there or not; and that if he did not sign the card and his boss man did find out that he had talked to a union man, and taken any steps against him, that I couldn't represent him.

Q. Did this conversation take place before or after he signed the card? A Before.

Q. Mr. Davis, who was present when you went to see him? A His wife was part of the time.

Q. And the rest of the time?

[fol. 1129] Q. And the rest of the time? A She was in and out, and I think that Donald Jacobs got—I think that Donald Jacobs was there part of the time.

Donald Jacobs got married about that time and rented an upstairs apartment from him.

Q. (By Mr. Cowherd). I show you General Counsel's Exhibit 6(t), and ask you if you can identify the card. A Yes, sir.

Q. Now is that the card that Mr. Gilliland signed in your presence? A It is.

Q. Did he fill out the whole card? A Yes, I think he did. To my recollection he did.

Q. Did he give the card back to you? A Yes.

Q. And what did you do with the card? A Carried it back to the office.

Q. Carried it back to the office? A Yes.

MR. COWHERD: Mr. Examiner, I am a bit confused myself at this time. I am going to propose to offer this card into evidence again as General Counsel's Exhibit 6(t).

TRIAL EXAMINER: What do you mean? You are confused about what?

MR. COWHERD: Well, we have Mr. Gilliland's testimony here that Mr. O'Han read the card to him, and Mr.

[fol. 1130] Davis' testimony that he was there, and he identified the card. The card is in evidence.

TRIAL EXAMINER: No, it is not.

MR. COWHERD: It is not?

TRIAL EXAMINER: No, it is not.

MR. COWHERD: Well, I offer General Counsel's Exhibit 6(t).

TRIAL EXAMINER: It was withheld pending the

MR. COWHERD: Well, it clears up—

TRIAL EXAMINER: You attempted to introduce through Mr. O'Ham; no, wait a minute, through Mr. Gilliland.

MR. COWHERD: Yes.

TRIAL EXAMINER: Through Mr. Gilliland, that's right.

MR. COWHERD: I didn't know whether it was read to him or not.

TRIAL EXAMINER: He testified that O'Ham read it to him.

MR. COWHERD: Well, all right. At this time, I offer General Counsel's Exhibit 6(t) being the card of Roy T. Gilliland into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Mr. Davis, is any of the writing on this card yours? A No, sir.

[fol. 1131] TRIAL EXAMINER: May I see that transcript again?

No, the transcript is what I want to see. I want to see the index only as to whether it was marked received in evidence. I don't think it was. All right. I am sorry. Go ahead, Mr. Hamlin.

Q (By Mr. Hamlin) Did Mr. Gilliland put the date on it? A I think he did.

Q Or did someone else? A I think he did.

Q You did not? A No, sir.

Q Now, Mr. Gilliland, is illiterate, is he not? A I don't think so.

Q He cannot read, can he? A I think he can read limitedly. I don't think that he could read and understand some of the language on that card.

Q You have testified, have you not, that you told Mr. Gilliland that his Employer might do something to him just because you had stepped in to see him? A He had that fear.

Q Well, did you not testify that you told him that? A I told him that in the event that his Employer took some discriminatory action against him that he would have a representative at no cost in matters concerning the National Labor Relations Board.

[fol. 1132] Q If his Employer did something wrong, you would protect him provided he signed this card? A I told him that he would have a representative if he signed the card. If he didn't sign it, that he wouldn't have.

Q In that event, if he did not sign the card, he would not have your protection? A He would not have a representative. No protection.

Q You didn't use the word "protection"? A I did not.

Q At any rate, you told him that you would not help him unless he signed this card? A I told him that I would not be obligated to.

Q And you told this man that this card would remain secret? A I told him that I would not divulge it to his Employer.

Q Or in any manner that would cause it to come to the attention of his Employer? A No, I didn't say that.

MR. HAMLIN: We object.

MR. WILLIAMSON: Mr. Examiner, I would like to state at this time that General Counsel, with respect to this card intends to rely on the testimony of Mr. Davis and feels that he will not rely on Mr. Gilliland's testimony about George O'Ham.

TRIAL EXAMINER: Well, what am I to do with Mr. Gilliland's testimony? He was your witness when you called him.

[fol. 1133] MR. WILLIAMSON: Well, I realize that he was our witness and we are not meaning to impeach him, but nevertheless we do have the right to attempt to show what the actual state of facts involved in the thing was and prove our case; and whatever Mr. Gilliland may have said when he got up there, why, you will have to evaluate within the totality of the circumstances. But he

did identify his card. We only feel that he was mistaken in his testimony about—

TRIAL EXAMINER: Well, I would like to have him back here. Can you get him back, Gilliland?

MR. WILLIAMSON: Yes, sir.

TRIAL EXAMINER: Well, you can see the dilemma I am in here. Here is your own witness that says that the card was read to him by another man, and now this witness comes in and says he read it to him.

MR. WILLIAMSON: All right, Mr. Examiner, we will make every effort to—

TRIAL EXAMINER: I should think you would without any urging on my part to get this matter straightened out.

MR. WILLIAMSON: Well, sir, I certainly wanted to tell you the testimony that we were relying on.

TRIAL EXAMINER: Well, I don't understand that statement of that nature. Both of these people are your witnesses. I don't think that you can pick out one at this stage of the game and say, "We are relying on this witness and not on the other one."

[fol. 1134] MR. WILLIAMSON: Mr. Examiner, it is well known that even if—General Counsel has a right to show a certain state of the facts—even though that may have an effect of temporarily impeaching one of his witnesses; but if the facts are so, they are that way; and the General Counsel has the right to show it despite this.

TRIAL EXAMINER: I know, but after all, you are impeaching—

MR. WILLIAMSON: Only in one particular.

TRIAL EXAMINER: It is Gilliland's card and you are now asking me to disregard his testimony.

MR. WILLIAMSON: In one particular.

TRIAL EXAMINER: In the most important particular. Anyhow, you can do as you please about it. I will receive the card. As to what effect, I am going to give to it.

MR. WILLIAMSON: Do you want him back tomorrow?

TRIAL EXAMINER: That is up to you. You are trying your case. You do what you think is right and necessary.

FURTHER DIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Davis, do you know an employee named John Leroy Jacobs? A Yes.

Q Did you approach him about signing a union authorization card? [fol. 1135] A Yes, sir.

Q Did you read the card to him or did he read it himself? A I read it to him.

TRIAL EXAMINER: Excuse me, I didn't get that. Who are you talking about now?

MR. COWHERD: John Leroy Jacobs.

TRIAL EXAMINER: Yes.

MR. COWHERD: 6(s).

TRIAL EXAMINER: Thank you.

MR. COWHERD: I offer General Counsel's Exhibit 6(s) into evidence.

[fol. 1138] Q (By Mr. Cowherd) Mr. Davis, do you know a person named Norman Smith? A I do.

Q All right.

[fol. 1139] MR. COWHERD: Let the record show that I am referring to General Counsel's Exhibit 6(q).

Q (By Mr. Cowherd) Did you approach Mr. Smith about signing a union authorization card? A I did.

Q Were you present when he signed the card? A Yes, sir.

Q Did you or did you not read the card to him? A I did.

Q Was this before or after he signed it? A Before.

MR. COWHERD: I offer General Counsel's Exhibit 6(q) into evidence.

VOIR DIRE EXAMINATION

Q (By Mr. Hamlin) Where did this take place? A At his home.

Q Was there anyone else present? A Yes, sir.

Q Who was? A His wife.

Q Anyone else? A I don't recall that there was.

Q Who filled out the card? A I think his wife did.

Q Who signed his name to it? A I think she did.
[fol. 1140] Q You don't remember for sure which one signed it? A I think she did.

Q Who put the date on it? A I don't recall. I may have.

Q Is that date in your handwriting? A No, sir.

Q Then you don't know who dated it? A I think it was dated by the same person that signed the card.

Q Mr. Smith is an illiterate, is he not? A Not to my knowledge.

TRIAL EXAMINER: That phrase.

MR. HAMLIN: All right, sir.

TRIAL EXAMINER: You are getting me a little confused. If you will define an illiterate for me, then I will know what it means.

MR. HAMLIN: All right.

Q (By Mr. Hamlin) Can Mr. Smith read? A I don't know to what extent, I don't think that he could understand the card and I read it to him.

MR. HAMLIN: All right, sir, that's all. We object.

TRIAL EXAMINER: Well, I will receive it, but there again, but there again by my notes I am not exactly sure what the status of the prior testimony was as to the card. Frankly, my notes say that the wife is to be called. Now I don't recall what exactly brought that on.

[fol. 1154]

TED DAVIS

resumed the stand and testified further as follows:

FURTHER REDIRECT EXAMINATION

Q (By Mr. Cowherd) Mr. Davis, do you know James H. Benson; do you know an employee by the name of James H. Benson?

TRIAL EXAMINER: Benson?

MR. COWHERD: Mr. Examiner, I am referring to General Counsel's Exhibit 6(a)(9).

TRIAL EXAMINER: All right.

Q (By Mr. Cowherd) Mr. Davis, did you go to an organizational campaign—have occasion to contact Mr. Benson regarding the signing of a union card? A I did.

Q Did you go alone to his home? A No, sir.

Q Who was with you? A Mr. Brown, Napoleon Brown.

Q And when you got to his home, who was present [fol. 1155] during the conversation? A Mr. James Benson, James Randle, Mr. Benson's wife.

Q Was Mr. Brown present? A Yes, Mr. Brown was present also.

Q Did you have a discussion with Mr. Benson about the signing of a union card? A Yes, we did.

Q Did Mr. Benson sign a union card in your presence? A Yes, sir, he did.

Q Did he read the card before he signed it?

MR. HAMLIN: Objection.

Q (By Mr. Cowherd) Do you know whether or not he read the card?

TRIAL EXAMINER: He may answer.

A No, he didn't.

Q (By Mr. Cowherd) Did someone read the card to him? A Yes.

Q Who was that person? A I did.

Q Did this take place before or after he signed the card? A Before.

Q Would you relate what conversation to the best of your recollection took place during the signing of this card? A We had put on quite an extensive search for Mr. Benson and after finding him, we asked him if he were employed at General Steel and he said he was; and [fol. 1156] about this time, we also found out from him that his stepson lived with him and was also employed at General Steel; he called his stepson out and we continued talking about the union, and the Upholsterers' International Union there representing the people there at General Steel; he told us about his previous union activity; that he had been a member of the union at another place and had actually been involved in a strike; and he thought that if they needed a union, that he was willing and wanted the Upholsterers' International Union to represent him at General Steel.

Q Could you tell what you told him; do you remember what you told him about signing the union card? A I

told him that we would expect and hope to get 65 percent of the people signed to cards at which time we would write the company a letter requesting recognition, and that it had been experience over the years that 99 times out of a 100 that the company would immediately write us a letter stating that they did not believe that we represented a majority of their employees; and for us to follow the procedures set by the National Labor Relations Board to obtain an election, an NLRB election at which time the people would be called on to vote for the Union; and the reason that we were almost insistent on getting 65 percent to 70 percent of the people signed to cards that we had learned that in the course of a campaign running to an election, that we [fol. 1157] had to go into an election, that we would lose ten to fifteen percent of the people due to various causes of people being discharged, or brought over, or persuaded by the company to vote against the union, and that would leave us just a bare majority after losing ten to fifteen percent with sixty-five to seventy percent of the people signed.

Q Now after Mr. Benson signed the card, what did he do with it? A He give it back to me.

Q I show you General Counsel's Exhibit marked 6(a) (9) and ask you if this is the card that Mr. Benson returned to you? A Yes, it is.

[fol. 1160] Q (By Mr. Cowherd) Mr. Davis, you said in response to Mr. Hamlin's questions, that generally the conversation is the same. I wonder if you could illustrate the point that you generally cover in conversations with employees about signing union cards, what points do you seek to express to them?

MR. HAMLIN: We object unless he has a recollection of what he said in a specific instance.

MR. COWHERD: I believe, Mr. Examiner, that Mr. Hamlin has opened up the field on what he talks to all employees throughout three campaigns, the one preceding this one, and the one—and this one, and the subsequent one.

MR. HAMLIN: Mr. Davis asserted that. I was inquiring about what he said to this person and how he

knew and his reply was that generally pretty much that way.

TRIAL EXAMINER: The objection is overruled. He may answer.

MR. HAMLIN: Exception.

A I usually go into talk to an employee about a union with first finding out if they work for a company; and then I point out the advantages of unionization; the advantages of joining together for one common cause; I point out to them that we are asking employees to sign cards authorizing us to represent them, or me to represent [fol. 1161] them in matters concerning wages, hours, and conditions of employment, that in doing so until such time as it was determined that there wouldn't be any chance at all of them not having a union that I would be obligated to represent them in all matters arising at the plant concerning their wages, hours, and conditions of employment; and that if they didn't choose to sign a card that I would not be obligated to represent them.

I further pointed out that in all cases, first, when we got the cards signed, when we got what we determined a sufficient number, we would write the company a letter requesting recognition; I also pointed out to them that we act under the law; so that by the Act the Government only required us to get 30 percent of the people signed, of cards to petition for an election, which we were not interested in; that we were interested in representing the people; therefore, we felt that we had to have sixty-five to seventy percent of the people where we would be able to write the company asking for recognition; which I would expect; and that had been the practice in about 99 cases out of a 100 that the companies refused recognition; at which time we did petition for an election; and we would go to a secret ballot election with their Employer and none of the supervisors would be permitted to be in the voting area or know how they voted;

[fol. 1162] where there were would be observers both for the company and for the union; that they would give their name; and the observers would check their name off the list to prevent, and this was done to prevent a person or persons from coming in and voting more than one time, or

people voting that had no business in voting; after they had done this, that the Board Agent in charge of the election would give them a ballot; and they would go into a booth by themselves, mark their ballot; fold it; and bring it back out; and drop it into the box in front of the Board Agent conducting the election.

[fol. 1181] MR. WILLIAMSON: In his cross-examination of Mr. Davis, Mr. Hamlin cross-examined him with reference to the fact that he had filed a Petition, and his request for recognition very nearly simultaneously; and I think that we are entitled to show the experience that Mr. Davis has had, which might be one possible explanation for that procedure.

TRIAL EXAMINER: Yes, I think that I will allow him to answer.

MR. COWHERD: Do you want the question again?

MR. HAMLIN: I still have an objection.

TRIAL EXAMINER: Yes.

MR. COWHERD: Do you want the question again?

THE WITNESS: No.

MR. COWHERD: All right, go ahead.

THE WITNESS: It has been my experience that I have never been recognized on a letter requesting recognition in the Carolinas, and never have but one time in all of my organizing efforts.

MR. COWHERD: I have no further questions.

MR. DAVIS: In view of the testimony, I would like to put another question again to Mr. Davis.

[fol. 1182]

FURTHER RECROSS EXAMINATION

Q (By Mr. Hamlin) How many cards did you file with the Labor Board in support of this petition and purporting to be employees working at General Steel and Crown Flex?

MR. COWHERD: Objection.

TRIAL EXAMINER: He may answer if he knows. Did you do the filing? Did you leave the cards with the Board?

THE WITNESS: No, sir.

Q (By Mr. Hamlin) How many cards were filed with the Board in support of this petition? A To my best recollection, 152.

Q Well, that is pretty good recollection. A I hope.

* * * * *

JERRY L. FURR

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address.

THE WITNESS: Jerry L. Furr, 420 South Road.

[fol. 1183] DIRECT EXAMINATION

Q (By Mr. Williamson) Mr. Furr, are you working for General Steel or were you working for General Steel in August of last year? A Yes, sir.

Q And what was your job at that time? A Shipping Clerk.

Q Mr. Furr, I show you what I have marked as General Counsel's Exhibit 6(a) (103).

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (103) for identification.)

Q (By Mr. Williamson) And ask you if you can identify that card? A Yes, sir.

Q (By Mr. Williamson) Can you identify that card?
A Yes, sir.

Q Is that your signature that appears on the card? A Yes, sir.

Q And did you fill out all of the card? A Yes, sir.

Q And did you place the date on the card? A Yes, sir.

* * * * *

[fol. 1184] Q At the time you wrote that date, was it the correct date? A I am not sure. I hope it was. I think it was.

Q All right, sir, what is that? A 8-11.

Q And what month is the eighth month? A August.

Q All right, sir. Did you read this card before you signed it? A Yes.

* * * * *

[fol. 1186] (By Mr. Hamlin)

Q Did Mr. Davis tell you that he was getting cards signed just to get an election and that you could vote either way?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: He may answer.

MR. WILLIAMSON: It is a double question. Mr. Examiner.

TRIAL EXAMINER: Yes, it is a double question. I think that you ought to separate it.

Q (By Mr. Hamlin) Did Mr. Davis tell you that the purpose of getting the cards signed was just to get an election in the plant? A Yes.

* * * * *

[fol. 1187]

FURTHER REDIRECT EXAMINATION

Q (By Mr. Williamson) Mr. Furr, I want you to think back if you would to your conversation with Mr. Davis at the time that you signed your card and just tell us if you would, sir, everything that you remember at this time about the conversation between yourself and Mr. Davis, just start at the beginning. A I don't remember too much about it really; I didn't think much about it after I signed it; I do remember him saying to sign a card to get an election at the plant. It was about 8:30 at night, and I was sleepy and tired; and I didn't want to think much about it.

Q So that now you could not give us an account of the conversation between yourself and Mr. Davis? A Not all of it, no.

Q Very well. Tell us all that you remember at this time. A Well, we sat there at the kitchen table; and anyway he asked me did I think would a union help; or something like that; I don't know how it went; I don't even remember; but I know he just asked me would I sign a card, did I want to sign a card; and at that time I said I would; he said that they were getting cards to get an election at the plant.

[fol. 1190]

TED B. DAVIS

resumed the stand and testified further as follows:

DIRECT EXAMINATION

Q (By Mr. Williamson) Mr. Davis, you just heard Mr. Furr's testimony here in this courtroom? A Yes.

Q And were you present during the whole testimony? A Yes.

[fol. 1191] Q Do you yourself remember the conversation between yourself and Mr. Furr the night that he signed his union card? A A part of it, yes.

Q All right, could you relate to us the part that you remember. A I was met by him at the door; and I stated that, stated to him, "Long time, no see"; he was a hard fellow to catch up with; that I was beginning to think that I wasn't going to find him; and I stated to him that, he invited me in; and we went into his kitchen; as he testified; and I stated to him that I was back on a campaign at General Steel; and asked him if he was still interested in having the Union represent him since we had some activity prior to that; and he said that he was; and I told him that we were making very good headway toward getting a majority for representation; asked him if he would care to sign a card to help get the union into the plant out there to have it represent him; and he said he would and signed a card.

Q Did you at any time discuss the question of an election with Mr. Furr? A I think possibly I may have, to my recollection, told him that I didn't think that the company would recognize us when we requested recognition; and we would most likely have to go to an election.

Q Sir, can you remember anything else that there may have been any conversation between you on the subject of [fol. 1192] an election? A No, I can't say that I do.

Q Did you ever at any time make the statement to Mr. Furr that you wanted him to sign a union card just so that they could have an election in the plant? A No.

[fol. 1194] TRIAL EXAMINER: I would like to ask one additional question though. In this particular campaign, did you tell any employee who you asked to sign a card such as has been offered in evidence here that the purpose of that card was only to get an election?

[fol. 1195] THE WITNESS: No, sireee.

TRIAL EXAMINER: Did you ever in any campaign where you used cards similar to these cards which only authorized the Union involved to represent the employee as collective bargaining agent, did you in any other campaign ever tell an employee that its purpose was only to get an election?

THE WITNESS: No, sir.

[fol. 1198] NAPOLEON BROWN

was called as a witness by and on behalf of the General Counsel and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: State your name and address.

THE WITNESS: Napoleon Brown, 806 George Place, High Point, North Carolina.

DIRECT EXAMINATION

Q (By Mr. Williamson) Mr. Brown, what is your position? A I am International Representative of the Upholsterers' International Union. I am sometimes called an organizer.

Q All right, sir, how long have you been with the Upholsterers' International? A About ten years.

Q And have you been organizing for them that same length of time? A Yes.

Q Have you ever been involved in any organizing campaign at the General Steel Company? A Yes, sir.

[fol. 1199] Q And at Crown Flex? A Yes, sir.

Q Can you tell us approximately when that campaign first started, Mr. Brown? A To the best of my knowledge, I believe it was June of 1964.

Q Did you participate in signing up employees for the Union in that campaign? A Yes, sir, I did.

Q Would you tell us approximately how many employees that were involved in signing up? A I didn't sign up too many people at General Steel. I would say maybe 25 and maybe 30.

Q All right, sir. Do you know an employee by the name of Elmer Cornett? A Yes, sir, I do.

Q Have you ever had occasion to talk to Mr. Cornett about the union? A Yes, sir, I did.

Q Can you tell us when you had any conversation with him about this matter? A About the date? About the time?

Q Whenever you had any conversations with him? A I believe it was sometime in the month of July, 1964.

Q All right, sir, did you have one or several conversations.

[fol. 1200] Q All right, sir, during the time that you were talking to Mr. Cornett on those occasions, did you ever ask him to sign an authorization card? A Yes, sir I did.

Q Do you know whether or not he did so? A Yes.

Q Did he? A Yes, sir.

Q All right, sir, I show you what I have marked as General Counsel's Exhibit 6(a) (106).

(The document above-referred to was marked General Counsel's Exhibit No. 6(a) (106) for identification.)

Q (By Mr. Williamson) And I will ask you if you can identify that card, sir. A Yes, sir, I can.

Q What is that card? A That is the membership card for the Upholsterers' International Union.

Q Whose is the writing that appears thereon? A Mr. Cornett's.

Q Did Mr. Cornett put that writing on there in your presence? A Yes, he did.

Q Can you tell us where you were when this hap-[fol. 1201] pened? A We were sitting in his living room in his home.

Q All right, sir, showing you the card again, how much of it is filled out by Mr. Cornett? A Mr. Cornett, I put General Steel on there and I put the date.

Q All right. A He put the rest.

Q All right, sir, the signature thereon is his? A That's right, it's his.

Q Do you know whether or not Mr. Cornett read this card?

MR. HAMLIN: Objection.

TRIAL EXAMINER: He may answer.

A Yes, he read the card.

[fol. 1202] A (By Mr. Williamson) Well, he held the card up. He did not read it out aloud. He held the card up and I was assuming that he was reading the card.

Q Now, Mr. Brown, on the occasion that Mr. Cornett signed this card, just relate, if you would, as much of the conversation with him that you can remember at the present time. A I told him that we were in the process of organizing the workers at General Steel; and of course, I told him at this point that we did have a majority; and after we got approximately 65 to 70 percent, we would ask the company for recognition by mail; and as I recall, this was near the end of the signing of the cards before we asked for recognition.

Q All right, sir, did he ask you any questions about the secrecy of the card when you talked to him? A No, sir, he did not.

[fol. 1206] Q (By Mr. Williamson) Do you know a Mr. William Billings? A Yes, sir, I do.

Q Have you ever had occasion to talk with Mr. Billings about the subject of the union? A Yes, sir, I did.

Q Can you tell us approximately when this conversation was? A It was either in late July or the first of August, 1964?

Q All right, sir, did you have one or several conversations with him? A At that time only one.

Q All right, sir, have you ever had any occasion to request Mr. Billings to sign an authorization card? A Yes, sir.

A And was that during this conversation? A Yes, sir.

Q I show you what I have had marked General Counsel's 6(a) (107) and ask you if you can identify that card.

A Yes, sir, I can.

(The documents above-referred to was marked General Counsel's Exhibit No. 6(a) (107) for identification.)

Q What is that? A That is the membership card for the Upholsterers' International Union.

Q Who wrote the name that appears thereon? A A fellow worker, Frank Small was with me.

Q All right, sir, did Mr. Billings have any conversation with Mr. Small about this matter before he signed [fol. 1208] this card? A (continuing) Mr. Small went with me to locate Mr. Billings at his home, and he wasn't at home; he happened to be at his girl friend's house; and so we drove over to his girl friend's house; and he came out; and he came out; was standing in back of his car; and of course, Mr. Small had discussed this thing with him previously.

[fol. 1209] MR. HAMLIN: Object.

TRIAL EXAMINER: Sustained.

THE WITNESS: And I told him that I was a Representative of the Upholsterers' International Union; that we were engaged in an organizational campaign at General Steel; and if he was interested in participating; I showed him the card; and he said, "I can't read too good"; and so he gave me the card back and had me to read the card to him.

Q (By Mr. Williamson) Does it indicate on this card the language that you read to him? A I read the first

paragraph, "I do hereby designate and authorize the Upholsterers' International Union of North America, AFL-CIO, and its Representatives to act as my representative for the purpose of collective bargaining with respect to rates of pay, wages, hours, or employment and other conditions of employment."

Q All right, sir, what happened after you read that portion of the card? A He asked Frank Small would he sign it for him.

Q All right, sir, go ahead. A And, of course, the reason that he asked Frank to sign it for him—

* * * * *

[fol. 1210] MR. HAMLIN: Objection.

TRIAL EXAMINER: Yes.

What did he say to Mr. Small or anyone else present?

Q Have you ever requested Mr. Bodiford to sign a card for the union? A Yes, sir, I did.

Q Do you know whether or not he has signed such a [fol. 1221] card? A Yes, sir.

Q I show you what I have had marked as General Counsel's Exhibit 6(a) (3) and ask you if you can identify that card, sir. A Yes.

Q Whose is the writing that appears thereon? A Jack Bodiford.

Q Did he sign the card himself? A Yes, sir.

Q Was this in your presence? A Yes, sir.

Q Do you know whether or not he read the card before he signed it?

MR. HAMLIN: Objection.

TRIAL EXAMINER: You may answer that yes or no. Do you know whether he read it or not?

THE WITNESS: I read it.

Q (By Mr. Williamson) All right, sir, how did you come to read it to him? A He said that he couldn't read too well and I read the card to him.

Q Will you tell us which portion of the card that you read to him? A It is the first paragraph. "I do hereby designate and authorize the Upholsterers' International Union of North America, AFL-CIO, and its Representative to act as my representative for the purpose of col-

lective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment."

[fol. 1222] Q All right, sir, at the time that you talked to Mr. Bodiford about the union and got him to sign this card, as well as you can remember, what conversation, if any, you had with Mr. Bodiford? A Well, I introduced myself to him as a representative of the Upholsterers' International Union and told him my purpose in stopping was to get him to sign the card if he was interested in becoming a member of the Upholsterers' International Union; and he asked me did we have many employees signed up, and I told him that we had quite a few at this particular time; and he said that some of the fellows had discussed this with him; and he thought that it was good; that it was a good thing; and so I gave him the card and read the card to him; and he signed it.

* * * * *

[fol. 1225] Q (By Mr. Williamson) Mr. Brown, do you know an employee by the name of Claude Mitchem? A Yes, sir.

Q Have you ever had occasion to have any conversations with Mr. Mitchem about the union? A Yes, sir, I did.

Q Do you remember about when this was? A Sometime in July, I believe, of 1964.

MR. COWHERD: This is General Counsel's Exhibit 6(a)(84)..

Q (By Mr. Williamson) Did you talk with Mr. Mitchem once or several times? A I only spoke with him once.

Q All right, sir, where did you speak with him? A Parked in front of his trailer.

Q Do you remember where his trailer was? A It was on Tyre Road, I don't remember the number.

[fol. 1226] Q All right, sir, now, tell us if you would as close as you remember the conversation between yourself and Mr. Mitchem that day? A ^Well, I first introduced myself to him and he came out; in fact, he was out in the yard doing something; I believe he was mowing the

grass or something; I believe. When I came up, I believe he was mowing the grass.

Q Was there anyone else around? A Yes. George Orr was with me.

Q Go ahead. A He came out, and he said in the back of the automobile and I first introduced myself to him and I told him that I was engaged in an organizing campaign at General Steel; and asked was he interested; and of course, I said, "I believe so"; and I talked to him about the signing the membership card, and he did.

Q All right, sir, I show you what I have marked as General Counsel's Exhibit 6(a) (84) and ask you if you can identify that card, sir. A Yes, I can.

Q What is that card? A It is a membership card for the Upholsterer's International Union, AFL-CIO.

Q Whose is the writing that appears thereupon? A Mr. Claude Mitchem.

Q Did Mr. Mitchem put that writing on there in your [fol. 1227] presence? A Yes, he did.

Q How much of the card was written by Mr. Mitchem? A He filled out the whole card.

Q Do you know whether or not Mr. Mitchem read the card right after his signing it?

MR. HAMLIN: Objection.

TRIAL EXAMINER: He may answer.

THE WITNESS: He asked Mr. Small to sign the card for him.

Q (By Mr. Williamson) All right, sir, go ahead. A And I asked him was there any particular reason that he wanted Mr. Small to fill the card out, and he said, his explanation was that he couldn't write too well; and so Mr. Small signed it for him.

Q All right, sir, let me ask you this, Mr. Brown, how much of the writing on that card was done by Mr. Small, as far as you know? A All of this except this Exhibit Number.

Q Now during the time that you were talking with Mr. Billings there in the car, was there anything said about an election? A I don't believe that anything was said about an election.

Q Was there anything said about the secrecy of this card? A I don't recall anything being said about the card being secret.

[fol. 1220] Q (By Mr. Williamson) Mr. Brown, do you know an employee named Jimmy Bodiford? A Yes, sir, I do.

Q Have you ever had occasion to have a conversation with Mr. Bodiford on the subject of unions or unionism? A Yes.

Q Do you remember approximately when this occurred? A I believe it was July of 1964.

MR. HAMLIN: May we have a card number?

MR. WILLIAMSON: 6(a)(3).

Q (By Mr. Williamson) Did you talk with Mr. Bodiford once or several times? A Only once.

Q All right, sir, where did you talk with him? A It was on English Road, about the 600 block of English Road.

A I read the card to him.

Q (By Mr. Williamson) All right, sir. Read for us, if you would, sir, the whatever portion of the card that it was that you read to him? A "I do hereby"—

TRIAL EXAMINER: There is only one paragraph there, isn't there?

MR. WILLIAMSON: Well, sir, they might say that the testimony isn't clear as to which portion of the card that he read to him, and I think that we ought to put it in.

TRIAL EXAMINER: All right.

Q (By Mr. Williamson). Go ahead, Mr. Brown. A "I do hereby designate and authorize the Upholsterers' International Union of North America, AFL-CIO, and its representative, to act as my representative for the purpose of collective bargaining in respect to rates of pay, wages, hours, or employment and other conditions of employment."

[fol. 1228] Q Did Mr. Mitchem have any questions about the card when you presented it to him? A Not as I can recall.

Q Did you ever have any discussion with Mr. Mitchem, at that time when he signed the card about an election?
A I don't recall anything being said about an election.

[fol. 1231]

FURTHER REDIRECT EXAMINATION

Q (By Mr. Williamson) Mr. Brown, do you know an employee by the name of Thomas Ray Haire? A Yes, sir, I do.

Q During your organizational campaign at General Steel, did you ever have occasion to speak with him about [fol. 1232] the union? A I did.

Q Do you remember approximately when that was, sir? A It was in late July to the best of my knowledge.

Q Was there anyone else with you when you talked with Mr. Haire? A Yes.

Q Who was that? A John Harold Holt (Holder).

Q All right, sir, do you remember when you talked with Mr. Haire? A At his home.

Q Now tell us as best you remember the conversation between you and Mr. Haire on that occasion? A Well, he came out and then got in the back seat of the automobile, and I introduced myself to him as being a representative of the Upholsterers' International Union and I told him that the purpose of my visit there was to discuss this matter with him and get him to sign a membership card if he desired to be represented.

Q Go ahead? A In doing so, I showed him the card, and he asked me would I read the card to him because he couldn't read too well.

Q All right, sir, did you read the card to him? A Yes, sir, I did.

[fol. 1233] Q All right, sir, I show you what has been marked and I believe received into evidence as General Counsel's Exhibit 6(a)(93) and ask you if you can identify that card, sir. A Yes, I can.

Q What is that card? A That is a membership card from the Upholsterers' International Union.

Q Sir, whose writing appears thereon? A This is his signature.

Q All right, sir, did he sign this in your presence? A Yes, he did.

Q Now I believe you said that you read the card to him. Which portion of the card did you read to him? A This first paragraph.

Q And is that the same paragraph which you previously read several times in connection with other cards? A Yes, sir.

Q Do you remember anything else that was said between you and Mr. Haire out there in connection with his card when he signed it? A I believe that that was about the extent of the conversation.

Q Was there anything said about an election? A I don't recall anything being said about an election.

[fol. 1245] Q (By Mr. Williamson) Now, Mr. Brown, during the campaign here at General Steel and Crown Flex, about how many employees would you say that you signed up? A Approximately 30.

Q Did you ever at any time in signing up employees in this campaign tell an employee he was to sign a card just for the purpose of getting an election at the plant?

A No, sir.

Q During the time that you have been working for the Upholsterers' International Union, Mr. Brown, how many union campaigns at various plants have you participated in? A I would say from approximately eight to nine a year.

Q And how many years have you been with the Upholsterers' International?

[fol. 1246] Q And did you sign up employees in those campaigns? A Yes, sir.

Q Did you ever on any other—

MR. HAMLIN: Objection to the pursuit of that.

TRIAL EXAMINER: You may proceed.

Q (By Mr. Williamson) Did you ever in any of these other campaigns that you have participated in tell an em-

ployee that he was to sign a card just for the purpose of having an election at the particular plant?

MR. HAMLIN: Objection.

A No, sir.

[fol. 1247] Q (By Mr. Williamson) Mr. Brown, have you ever participated in any campaign as a representative of the Upholsterers' International Union in which you did not request recognition of the Employer in the campaign.

[fol. 1248] A It could have been a very few when I first worked, when I first went to work for the Upholsterers' in Virginia that we didn't ask for recognition but it has been some time ago.

[fol. 1249] Q (By Mr. Williamson) During the campaign, Mr. Brown, did you ever tell any employee that if he didn't sign a card now he would have to pay his initiation fee at a later date? A No, sir.

[fol. 1250] Q (By Mr. Williamson) Mr. Brown, when you got these cards up to the Regional Office, what did you do with them? A I gave them to one of the ladies in the Regional Office.

Q What date was this, sir? A It was on the 14th of August.

Q Do you remember what time of day it was? A To the best of my knowledge, it was around maybe ten o'clock in the morning.

[fol. 1251] Q Did you do anything with reference to petitioning while you were in the Regional Office at that time? A Well, the petition had already been made out; I submitted the petition along with the lists in alphabetical order with the cards.

Q All right, sir, were you accompanied by anyone when you went up to the Regional Office on that occasion? A Yes, I was.

Q Who was that, sir? A Mr. Davis.

Q Mr. Brown, you have heard all of the testimony in this proceeding of the authorization cards? A Yes.

Q Do you remember when it has been testified that a card was dated by one of the organizers in the campaign?

TRIAL EXAMINER: I don't know whether the witness understands that. I don't understand—

Q (By Mr. Williamson) Do you recall hearing any testimony where it has been testified that an organizer put the date on an authorization card? A Yes.

MR. WILLIAMSON: We have no further questions of this witness.

TRIAL EXAMINER: When you brought the cards to which Counsel has referred to the Board's Regional Office, you say you handed them to the girl or young lady there? [fol. 1252] THE WITNESS: Yes, I did.

TRIAL EXAMINER: Did you see what she did with them?

* THE WITNESS: No, sir, I didn't because I left but I gave them to her.

[fol. 1405] FRANK D. HOFFMAN, JR.

was called as a witness by and on behalf of the Respondent and, after having been first duly called and duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address.

THE WITNESS: Frank D. Hoffman, Jr., 1173 Sweetbriar Road, High Point, North Carolina.

DIRECT EXAMINATION

Q (By Mr. Hamlin) Mr. Hoffman, did you have any connection with General Steel Products and Crown Flex at the time of the union campaign election last year? A Yes, sir.

Q What was that? A I was Executive Vice-President of both firms.

Q Now are you connected with either company at the [fol. 1406] present time? A No, sir.

Q What are you doing now? A I operate my own business, a furniture company; a manufacturer of upholstered furniture.

Q And when did you terminate your connection with the Respondents in this case? A May 1 of this year.

Q At the time of the union campaign last summer, were you the operating head in High Point of these companies? A Yes.

Q What products are made by these companies? A General Steel Products makes and made at that time mechanical furniture fixtures for the furniture industry and Crown Flex made and makes at this time an insulator pad for the furniture industry primarily.

Q About when, if you know, did you become aware that a union organizing campaign was taking place in either of these companies in 1964?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: He may answer.

A Well, I heard some talk about it since about June of 1964, but to no great extent; and of course, I had heard some talk about for two or three years prior to that time. I know in '62 and I think in '63 I heard some talk about an organization campaign going on at that time; and so for all of two or three years I heard some talk about a campaign.

[fol. 1407] Q You refer to a campaign in '62 and '63. About what period was that, did that cover? A Well, to the best of my memory on it, it was in the summer, early summer of '62.

MR. WILLIAMSON: Mr. Examiner, I object to this line. I don't see the relevancy.

MR. HAMLIN: I think we well show it.

Q (By Mr. Hamlin) And continuing until when? A Until '63, the middle part of '63, the late summer.

Q Was that campaign by this same union? A I don't know for sure but I did see some cards that had, similar to these cards that some of the employees brought to me.

Q Now, moving into 1964, you became aware, did you say, in approximately June that there was some real effort being made? A Yes, sir.

Q All right, sir, then calling your attention to a time in late July, 1964, did you write any letter with regard to this matter? A Yes, sir, it became very obvious to me the latter part of July that there was, that they were putting on a strong campaign; my foremen so instructed me and some of the employees had told me that they had

been asked by union organizers asking them to sign authorization cards; and so it became obvious in the latter part of July that they were putting on a very strong campaign.

[fol. 1408] Q Now in July, you refer to a letter. I show you a copy of the letter that you sent to employees in July? A Yes, sir.

TRIAL EXAMINER: I don't know whether it is going to mean anything, but this ought to be marked for identification.

MR. HAMLIN: Oh, yes, may we have this letter dated July 11, 1964, addressed to "Our Fellow Employees" and signed Frank D. Huffman, Jr., General Steel Products, Inc. marked as Respondent's 16. I will withdraw that and substitute copies.

TRIAL EXAMINER: Respondent's 16.

(The document above-referred to was marked Respondent's Exhibit No. 16 for identification.)

MR. COWHERD: Could it possibly be that we would have an objection?

TRIAL EXAMINER: I was going to ask. Is that part of the Representation? I know that a number have been attached to the Directive's Findings.

MR. HAMLIN: I was thinking that that was omitted, that was my reason for making this part of the record, for marking it.

MR. COWHERD: What's the date?

THE WITNESS: July 31.

[fol. 1409] MR. COWHERD: Is the date on that letter?

THE WITNESS: Yes, sir. What is the date on that, Mr. Hamlin?

MR. HAMLIN: July 31.

Q (By Mr. Hamlin) Mr. Huffman, after this letter was put out, and moving now to the middle of August, 1964, did you receive a letter from the Upholsterers' Union? A Yes, sir.

MR. HAMLIN: We stipulated that letter, did we not?

TRIAL EXAMINER: The demand letter?

MR. HAMLIN: Yes.

TRIAL EXAMINER: That's in the record.

MR. COWHERD: You stipulated that in your Answer.

MR. HAMLIN: I don't want to mark it now. I want him to be able to refer to it.

TRIAL EXAMINER: Well, I will give you a number. It is General Counsel's 2. That's the Union demand of August 13, and the Company reply is General Counsel's 3, dated August 26.

MR. HAMLIN: May we have those?

TRIAL EXAMINER: Here they are.

Q. (By Mr. Hamlin) I refer you to General Counsel's Exhibit 2 in this case, and ask you if you received—

MR. HAMLIN: We stipulated that you received that letter.

Q. (By Mr. Hamlin) I ask you when you received [fol. 1410] this. A August 14, '64.

Q August 14, 1964? A Yes, sir.

Q Now what day of the week was that? A Friday, I think.

Q Mr. Huffman, following the receipt of that letter and on the following Monday, did you do anything with regard to it? A Yes, sir, I read the letter, of course, and then went to see our attorney, Mr. Martin.

Q When did you see Mr. Martin? A I think it was Saturday morning, the 15th of August. Of course, I discussed the letter with him.

TRIAL EXAMINER: I didn't hear that.

THE WITNESS: I discussed the letter that I received from the Union with Mr. Martin.

Q (By Mr. Hamlin) Directing your attention to the Monday following of the next week, was there any foremen's meeting? A Yes, sir, I called a foreman's meeting Monday, the 17th of August.

Q And what took place there? A I told them that I had received this letter from the Union requesting recognition, and I asked them at that time how they felt about the employees as to whether they wanted a union to represent them or not, and of course, they said they didn't know.

[fol. 1411] MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Yes, as to what they said, the objection is sustained.

(By Mr. Hamlin) All right, continue.

Q (By Mr. Hamlin) All right, continue. A And I asked them at that time if they would go out into the plant and in their department and study the department and try to find out in their department the majority wanted the union to represent them; and I told them that I didn't want them to go out and interrogate the people or in any way threaten them, or anything like that.

MR. WILLIAMSON: Object to it as self-serving.

TRIAL EXAMINER: The objection is overruled.

THE WITNESS: And then we would report back later and analyze their findings, and then try to decide whether a majority of the people wanted the Union to represent them. And that plus some safety talk is about all we did at that particular meeting.

Q (By Mr. Hamlin) Now were there later meetings at which this thing was discussed? A Yes, we had another meeting Wednesday of that week; Wednesday was our usual meeting, foremen's meeting, supervisors meeting day; we discussed it again; and I asked each foreman how many people or what percentage of their department wanted a union to represent them; and they each told me.

MR. WILLIAMSON: Objection.

[fol. 1412] TRIAL EXAMINER: Sustained.

Q (By Mr. Hamlin) All right, sir, did you make any investigation of your own as to this question? A Yes, sir, I talked with many, many employees myself about how they felt about the Union.

Q Now this inquiry or investigation that we are discussing by yourself and the foremen, how long did that continue? A I think it was about ten days, approximately a week or ten days, I don't know for sure.

Q Did you receive from your foremen their opinions as to how they felt their department stood? A Yes, sir.

Q Based upon these opinions, did you draw a conclusion yourself about it, and go ahead and describe it.

MR. WILLIAMSON: Object to any conclusion here based on any investigation by the foremen. If he wants to testify about what he figured out himself in his own investigation, that's all right. That is just a way of coming in the back door what he can't get in the front door.

TRIAL EXAMINER: No, not necessarily. I think I will allow him to testify as to what his final conclusion was with respect to this demand by the union. What was your conclusion?

THE WITNESS: My conclusion was that about 30 percent were for the Union or wanted the Union to represent them and about 70 per cent did not want the Union to represent them. That was not only from the investigation of the foremen but from my own personal investigation. After I wrote the letter of July 31 a couple of weeks prior to, after that I mean, a lot of employees came to me and said that they did not—

[fol. 1413] MR. WILLIAMSON: Objection.

MR. HAMLIN: I will ask him that question.

Q (By Mr. Hamlin) Had employees come to you and made any statements with regard to the Union during this period?

TRIAL EXAMINER: He may answer that yes or not.

A Yes, sir.

Q (By Mr. Hamlin) And what statements were made to you?

MR. WILLIAMSON: Objection.

TRIAL EXAMINER: Are you going to call these people who made these statements?

MR. HAMLIN: I don't know that he will remember who they were, sir.

TRIAL EXAMINER: Well, in other words, you are going to rely on statements of witnesses whose names he doesn't recall?

MR. HAMLIN: In certain instances we may do so, he talked to numerous people, sir, and drew his conclusions. He is relying on information gathered in that fashion.

TRIAL EXAMINER: Yes.

MR. HAMLIN: He can't recall the names.

[fol. 1414] TRIAL EXAMINER: Do you recall any of the employees, the names of any of the employees who talked with you?

THE WITNESS: Yes, sir, I can remember a few.

TRIAL EXAMINER: Could you name them, please.

THE WITNESS: Yes, sir, one was this Lester Allen, the elderly fellow that was; no; Lester Allen; and a fellow named Floyd Harris; and a fellow named Gene Jones.

MR. WILLIAMSON: Mr. Examiner, we object to those last two names and ask that they be stricken. I am not sure—I am pretty sure as a matter of fact that they are not relying on the cards signed by either one of these people.

TRIAL EXAMINER: That doesn't make any difference.

MR. WILLIAMSON: Sir, I think that it does make a difference.

TRIAL EXAMINER: Well, go on, can you name any more.

THE WITNESS: I could possibly with some thought, sir, if I could get a chance to go over the employee list; I am sure—

TRIAL EXAMINER: Could you do that? Because I would like to know.

THE WITNESS: Let me see a list of employees.

TRIAL EXAMINER: Would you like to look at my list?

MR. WILLIAMSON: Does your list have on it, sir, a marking indicating the name of the person who has testified that he signed a card here?

TRIAL EXAMINER: Yes, I have the card number opposite the name of those who did testify. If you don't want him to use it—

[fol. 1415] MR. WILLIAMSON: I don't want him to use it.

TRIAL EXAMINER: Give him another list, please. Well, wait a minute, why not use the list that is in evidence? There are two lists, 4(a) and (b).

THE WITNESS: Clarence J. Jones. This fellow I remember him, Ollie D. Reagan, he said he was neither for me or for the Union.

MR. WILLIAMSON: Objection.

THE WITNESS: He told me that.

MR. WILLIAMSON: Move to strike.

TRIAL EXAMINER: I will let him answer that question. You may answer.

THE WITNESS: He told me that he was neither for the Union nor for the Company either, that he was completely neutral, I remember that; he didn't want to get involved either way.

MR. WILLIAMSON: I move to strike the answer.

TRIAL EXAMINER: Motion denied.

THE WITNESS: Johnny Gibson, Johnny M. Gibson called me at home one night and said that he had signed a Union card but that—

MR. WILLIAMSON: Object to what he said.

THE WITNESS: He told me.

[fol. 1416] TRIAL EXAMINER: What did he tell you about the Union?

THE WITNESS: He told me that he was not for the Union although he had signed a Union card.

TRIAL EXAMINER: All right.

MR. WILLIAMSON: Move to strike.

TRIAL EXAMINER: Motion denied.

MR. COWHERD: This is a telephone conversation, no foundation.

TRIAL EXAMINER: Well, do you want to interrogate him about the foundation? You said that this was during a telephone conversation?

THE WITNESS: Yes, sir. I have no doubt that it was this person calling me.

TRIAL EXAMINER: Well, they want to question you about the foundation.

MR. WILLIAMSON: Mr. Examiner, this is not our witness, and it is not our place to lay foundations for hearsay telephone conversations.

TRIAL EXAMINER: It is not a hearsay telephone conversation. He had a right to find out, Respondent had a right to find out from its employees whether or not they were in favor of the Union.

MR. WILLIAMSON: Yes, sir.

TRIAL EXAMINER: Now there is no better way of finding out than to ask the employees.

[fol. 1417] MR. WILLIAMSON: I have already agreed, sir, that he can testify as to what he did in reliance on what he is told. I do so that he can't testify about what he was told because it is hearsay. If they want to get that up there, get these witnesses here, and let's cross-examine them.

TRIAL EXAMINER: No, you may call those witnesses if you wish. Objection overruled. Go on.

THE WITNESS: About the telephone conversation, that was all. That was Johnny Gibson.

TRIAL EXAMINER: Incidentally, as you go along here, also tell us if you can whether these employees are still working at the plant. It will save a considerable amount of time.

THE WITNESS: I wouldn't know possibly at this date, Mr. Examiner, because I haven't been there since May 1, but I would know back to May 1.

TRIAL EXAMINER: All right.

THE WITNESS: Troy McGhee told me that he was not for the Union.

Henry Thompson told me that he was not for the Union. There are possibly others as I go down this list, but I can't remember all of them; but some of them were outstanding for some reason or the other, and I can't remember them all.

Reagan, Irwin Reagan told me that he was not for the Union.

Helen Causey said that she was not for the Union.
[fol. 1418] Toby Cunningham told me that he was not for the Union.

Fred Rosenau said he was not for the Union.

Eugene Jones, Thomas E. Jones on the list here. Clyde Mangum told me that he was not for the Union. Jesse Stanley told me he was not for the Union.

Q (By Mr. Hamlin) Who was that? A Jesse Stanley. Murray Brim, Jerry Furr told me that he was not for the Union. Rudy Remirez. Clyde Everhard told me that he was not for the Union. And Lester Allen, I had

mentioned him before, told me that he was not for the Union.

Donald Collins told me that he was not for the Union. Tommy Austin, Kenneth Von Cannon, Charles L. Thomas, Dan Beeson, Arnold Fuller. We are down to Crown Flex.

TRIAL EXAMINER: How is that?

THE WITNESS: We are in the Crown Flex group now. Robert L. Bowman, Jr. Earl Welborn; and Douglas R. Beeson; and I would like to qualify that one if I may; if it is all right.

TRIAL EXAMINER: Go ahead.

THE WITNESS: I heard, a fellow told me, it is hear-say I know but he had asked Gene Jones to sign a Union card, and so I called him in the office and asked him about it; and at that time I asked him if he was for the Union, and he said, no; and I asked him if he had asked Gene Jones to sign a Union card; and he said, no. And there are possibly others, are on here but I can't; I am sure that there are others on here; I am sure that there are others on here.

[fol. 1419] Q (By Mr. Hamlin) Following this inquiry, investigation that we have been discussing, did you have any further conversation with Mr. Martin, and did you authorize him to write a letter to the Union? A Yes, sir, I did. After I had formed my opinion as to how many people they had for and against the Union, I went to see Mr. Martin and told him that I felt like they had about thirty percent of the people that wanted a Union; and about seventy percent that didn't. And that with that percentage figure that we certainly shouldn't recognize the Union.

Q Did you authorize him to write the letter which appears in the file.

TRIAL EXAMINER: I think that you have been into that.

Q (By Mr. Hamlin) Now, Mr. Huffman, after this letter was written to the Union by Mr. Martin, I believe that is dated August 26.

TRIAL EXAMINER: Incidentally, he said something about a letter of July 31.

MR. HAMLIN: Yes, sir, that has been marked.

TRIAL EXAMINER: That is the other letter?

MR. HAMLIN: Yes, sir.

TRIAL EXAMINER: All right.

Q (By Mr. Hamlin) When with reference to that was this large, red poster put up that has been marked, that has been placed in evidence as General Counsel's [fol. 1420] Exhibit 5. About when was that put up? A I take it you are referring to the large one with the red marks across the corner?

Q Yes. A I think it was around the first of September.

MR. WILLIAMSON: That is GC 5.

Q (continuing) Either the last of August or the first of September.

Q (By Mr. Hamlin) And did you afterwards write any letters to employees? A Yes, sir.

MR. HAMLIN: For the record, Mr. Examiner, this large poster to which we refer, in the transcript it appears as Appendix "C" to General Counsel's Exhibit 1-z-1, is that not correct?

TRIAL EXAMINER: Well, I assume that this is a copy of it.

MR. HAMLIN: That's right.

TRIAL EXAMINER: I don't know.

MR. WILLIAMSON: It is.

MR. HAMLIN: I am referring now to Appendix (d).

TRIAL EXAMINER: Yes, I have got this.

MR. HAMLIN: In the same exhibit, a letter dated October 28, 1964, and addressed to: "My Fellow Employees". Did you send such a letter, Mr. Huffman?

[fol. 1421] THE WITNESS: Yes, sir.

TRIAL EXAMINER: Now this as I understand it, is Appendix "D" to the Regional Director's Supplemental Decision and Direction of Election?

MR. HAMLIN: Yes.

TRIAL EXAMINER: All right.

MR. HAMLIN: Which is Exhibit 1(z) (1).

TRIAL EXAMINER: Yes.

MR. HAMLIN: And Appendix "E" to the same exhibit, Mr. Huffman, do you have that before you?

THE WITNESS: Yes, sir.

Q (By Mr. Hamlin) Being a letter dated November 3, 1964. Did you send a letter like that to the employees?
A Yes, sir.

Q Mr. Huffman, about the time that these letters were sent out or during this time, did you make any speeches?
A Yes, sir.

Q To the Employees? A Yes, sir.

MR. WILLIAMSON: Sir, if he is going to testify about "speech", I don't want him sitting there reading the contents of that letter while he is testifying about it.

Q (By Mr. Hamlin) Would you go ahead and describe in general how those speeches were constructed.
[fol. 1422] A Yes, sir I made these speeches from these letters or copies of these letters; and there were some added speech in the speeches that came about from comment and questions from the group of employees to whom I made the speech or speeches. And so the speeches were based on these two letters that I sent out to the employees with added questions from the group of employees.

Q During the course of either of these speeches, did you make a statement that you could negotiate, and negotiate, and negotiate, and did not have to sign a thing? A No, sir, I did not say that.

Q Can you tell us anything you recall having said on the subject of negotiations. A The—I can refer to the letter, but the best my memory serves me, there is a paragraph in the letter that says something about negotiating for a contract with the union people

TRIAL EXAMINER: I think the question was, tell us as best you can what you said about negotiations.

THE WITNESS: That is what I was going to say, sir; I said whatever that paragraph said, and I was going to add this to it; when I was in the process of saying what is in this paragraph, somebody said, from the group of people that I was speaking, asked me, "Well, will you negotiate a contract with the Union?

[fol. 1423] And I said, "Of course, I will negotiate. I will negotiate in good faith, and if we agree, we will have a contract" or something to that extent. But I did not say that I "would negotiate, negotiate, and negotiate." Now the words

I just said may not be the words, but in substance that is what I did say.

Q (By Mr. Hamlin) Did you read these entire letters in the course of these speeches? A Yes, sir.

MR. WILLIAMSON: Object to the leading.

TRIAL EXAMINER: Well, he has answered the question. It is leading but he has answered it. Do you mean that you read the letter verbatim?

THE WITNESS: I read it, and then we had these side comments.

TRIAL EXAMINER: I know but did you read the letter?

THE WITNESS: Yes, sir, I read the letter.

TRIAL EXAMINER: Both letters?

THE WITNESS: Both letters, yes, sir.

TRIAL EXAMINER: All right.

Q (By Mr. Hamlin) And in the course of this, there were some comments? A Yes, sir, quite a bit.

MR. HAMLIN: May I go off the record for a moment?

TRIAL EXAMINER: Off the record.

(Discussion off the record.)

[fol. 1424]) TRIAL EXAMINER: On the record.

MR. HAMLIN: John Henry Edmonds on Page 124 of the transcript refers to this language, "Negotiate, negotiate, and negotiate" and he added the words "And he did not have to sign a thing."

On Page 137, the Witness Hutchins referred to the words, "Negotiate, repeated four times.

On Page 162—

TRIAL EXAMINER: Well, I don't see that there is any necessity to repeat that.

MR. HAMLIN: I think that it is identical enough so that I thought it might be a convenience to you.

Q (By Mr. Hamlin) In the course of these speeches, was there anything said by you about strikes other than what appears in these letters?

MR. WILLIAMSON: Object to the leading.

TRIAL EXAMINER: He may answer that yes or no.

A Repeat the question.

Q (By Mr. Hamlin) On the subject of strikes, was there anything said about strikes by you in these speeches beyond what appears in the letters? A There could possibly have been in answer to some questions that a group of employees or one employee asked about it when I said something about a strike.

[fol. 1425] Q Do you recall any particular thing you said in response to anything? A Well, I said that on the North Carolina Right-To-Work Law, my understanding of it, that if any employee went out on strike we had the right to replace him.

Q Did you at any time say that a person going out on strike would be fired for that or anything else to that effect? A No, sir.

Q Was there any reference by yourself or from the audience to a strike that Bottoms-Fiske or Fitch Furniture? A Yes, sir.

Q Had? A Yes, sir.

Q What do you recall about that? A There was some comment about both firms from the group. I don't remember the names of the people but some of them said that they had lived in Thomasville and lost their homes and went greatly in debt because of the strike that Thomasville Furniture had had; and they were saying it, and I did agree with them, because I remember the strike they had over there; I don't remember the cause but I remember that they had a strike that lasted quite some time; and someone mentioned Bottom-Fiske, about the violence that they had over there; and I concurred with that because I had heard [fol. 1426] of the same violence and to work each day, and so I did know that they had a very long strike there; and what happened or anything I don't know but some of the people in the group did say something about that; and I concurred with it; and motioned my head as they were talking.

Q Did you at any time make the statement that if they went out on strike they would have no more job? A Not in that language.

Q What did you tell them about the consequence, or the possible consequence? A Well, as I said a moment ago, that if they went out on strike that we would have the right

to replace them; and then there would be the possibility of them losing their jobs.

Q All right.

TRIAL EXAMINER: Has the date of these speeches been fixed?

MR. HAMLIN: Well, not in this testimony. It may be in others.

Q (By Mr. Hamlin) Can you fix the dates when these speeches were made with reference to ~~the~~ letters or otherwise?

TRIAL EXAMINER: First, how many speeches were there?

THE WITNESS: Two, sir. There were just prior to the dates on the letters because I mailed the letters out to the people shortly after I made the speeches; it may be a day or very shortly afterward; and I told the people at the time I made the speech that I would mail this thing, letter [fol. 1427] to them and that they would receive it in the very near future. We had a lot of people there that could not read, sir, and that was one of the reasons for reading the letters to them.

MR. WILLIAMSON: Which letter?

THE WITNESS: There are two letters that we are talking about, October 28, I think, and November 3.

TRIAL EXAMINER: These two exhibits here, Appendix "D" is one; Appendix "D" and "E".

THE WITNESS: And so the speeches were just prior to these letters.

MR. WILLIAMSON: The speeches were prior to the letters.

THE WITNESS: That's right, yes.

TRIAL EXAMINER: "D" and "E" to the Regional Director's Decision which I understand is General Counsel 1(z).

Q (By Mr. Hamlin) Mr. Huffman, did you make a speech 24 hours before the election approximately that?

A No, sir.

Q The day before the election? A I think I made one the morning of—I don't remember; it seems like I made one the morning of November 3.

Q Was there one made on the morning of November 5, the day before the election? A I don't remember. I could have.

Q Mr. Huffman, did you ever say that you were not going to work with the Union in the plant, or anything [fol. 1428] like that? A No, sir. I was asked, Mr. Hamlin, during the speech some question like that, and I think I answered in the form that a Union would, that a Union in the plant would be a detriment to me, or something along that line.

Q Did you state in any of these speeches that, referring to the Finch strike that people could not get a job for participating in the Union or anything to that effect? A No, sir.

[fol. 1432] Q (By Mr. Hamlin) Mr. Huffman, you have described that a union campaign took place in 1962 and 1963. When the campaign occurred in 1964, were there still working for these companies any of the employees who had been working for them during the earlier campaign of 1962 and 1963?

MR. WILLIAMSON: Objection.

A Yes, sir.

MR. WILLIAMSON: It is not relevant.

TRIAL EXAMINER: Oh, I don't see that it is relevant. I don't see that it is helpful or harmful either way. I assume that some of them were.

MR. HAMLIN: I will explain the basis of that now.

TRIAL EXAMINER: Well, it is in now. It is in the record.

MR. HAMLIN: We wish to renew an earlier motion. [fol. 1433] You will recall that we served a subpoena for the additional authorization cards on file in the Regional Office and which were not used in this proceeding. We have now shown the earlier campaign a year before. We have shown by the documents examiner that it is not possible to establish by handwriting analysis the age of the dates on these cards. This subpoena, one of its purposes was to ask for these other cards as a test of whether or not there had been dating, updating of cards of people who might no longer be with the company. We can't test that with the

cards that are in evidence because those people are still with the company, but if the remaining cards disclose dates, bear dates after the man left, we say that that would impeach all of the cards; and we assert that these cards also have a bearing on the validity of the demand, the good faith of the union in making the demand; its knowledge or lack of knowledge as to whether it had a majority or not. That is the reason why I brought out that testimony. We would like to renew our motion for the production of those documents; and I would like to make an Offer of Proof just, an Offer of Proof based on what I have just said, an Offer of Proof that numerous cards were filed for employees who no longer worked for either company; and also to prove whatever the cards may show with regard to the dating with reference to whether, with reference to when the man terminated his employment with his employer.

TRIAL EXAMINER: Cards that were not used?
[fol. 1434] MR. HAMLIN: Cards that were not used, yes.

TRIAL EXAMINER: Do you want to be heard?
MR. WILLIAMSON: Unless you want any more discussion. We would desist this motion.

TRIAL EXAMINER: All right, I will adhere to the earlier ruling.

Q (By Mr. Hamlin) Were there people working for General Steel or Crown Flex during the earlier campaign who were no longer there during the second campaign? A Yes, sir. I would like to qualify that just a little, Mr. Hamlin. I could verify that with company records. I don't remember their names at the moment.

[fol. 1435] CROSS EXAMINATION

Q (By Mr. Cowherd) Mr. Huffman, you say that you talked to the employees as to whether they were for or against the union? A Yes, sir, some of them.

[fol. 1436] Q And when was this that you talked with him? A This was the latter part of August.

Q Do you remember the date? A It was over a couple weeks, ten day, two weeks period of time.

Q You are not specific of the dates though? A No, sir, I couldn't name the dates.

Q Well, when did you begin talking to them? A Well, I started talking, well, some of them approached me in the latter part of July, as I said earlier, and told me that people had been to their homes and asked them to sign a card, an authorization card; and I talked with a number of them in the latter part of July that approached me and told me that a man was coming to their homes.

Q This was just casual, correct? A I wouldn't say it was casual exactly; they went to the trouble of coming to me in my office and told me that a Union organizer—

Q My question is this, when did you start soliciting the employees as to whether they— A Monday, August 14; that is Monday the 17th I think is the first day that I made a strong definite effort to find out.

Q I show you General Counsel's Exhibit 4(a) and 4(b) and I ask you if you can run down that list; let me ask you this; you had just talked to these employees as to whether or not they had signed a union card, is that cor-[fol. 1437] rect? A Which employees?

Q The employees at General Steel, the ones that you talked with? A Yes, the ones that I talked with about it.

Q Now—

MR. HAMLIN: I object if that is reference to his former testimony. He didn't testify that he talked to them about whether they signed.

MR. COWHERD: He answered the question.

MR. HAMLIN: He said that he had talked to them about whether they were for it.

Q (By Mr. Cowherd) Now I ask you if you would run down that list again and point out the people that you talked to? A From approaching me or me approaching them?

Q After the 17th of August? A I couldn't do that, Mr. Cowherd.

TRIAL EXAMINER: It all occurred on or after that, didn't it?

THE WITNESS: No, sir, it is possible that some of these people I mentioned approached me before August 14, and I couldn't pick out the ones that did.

TRIAL EXAMINER: All right: I thought you said before that it was all between Monday, August 17, and ten days or two weeks thereafter.

[fol. 1438] THE WITNESS: No, sir, as I told Mr. Cowherd, some of them approached me in the latter part of July and told me that the organizers had been to their home.

MR. COWHERD: All right, sir.

Q (By Mr. Cowherd) Would you go down that list and name again the employees that you talked to. A All right. Floyd Harris, Clarence Jones, Douglas Beeson, Johnny Gibson is the one who made the phone call; Troy McGhee.

Q Now did these eople that you have gone over, that you have just called, did you ask them if they signed a card? A No, sir, I didn't ask any of them if they signed a card. Some of them told me that they had signed cards, but that is not the way I investigated their feelings for the Union. I asked them if they were either for it or against it, or, "How do you feel about it?"

Q Did you ask them if they were for it or against it? A It is possible that either I asked them that or how did they feel about the union.

Q All right, what did Floyd Harris answer, what was his answer? A Floyd Harris aproached me and said that Napoleon Brown and some other fellow had come to his house one evening to ask him to sign an authorization card; and this is when he aproached me; and said he approached him a number of times; and finally he had to [fol. 1439] tell him to get off his property; that he didn't want anything to do with the union.

Q All right, how about Mr. C. J. Jones? A Mr. Jones told me that he had no sympathy for the union, that he had heard of union troubles that they had, had, and he had no sympathy for them.

Q All right, how about Mr. Johnny Gibson? A Now, Mr. Cowherd, don't hold me exactly to these words because I can't tell you verbatim what they told me.

Q All right, I am not going to hold you to just—I realize that it is a long time ago, and it is kind of hard to bring this back, but to the best of your recollection. A Yes, that is all I can do.

Q Johnny Gibson. A Johnny Gibson called me at home, at night on the telephone and told me that he had signed a union card but he was upset about it, and he was not for the union.

Q All right, sir, how about Mr. Troy McGhee? A Troy McGhee told me that he was not for the union and he would not vote for the union.

Q All right, sir, how about Mr. Douglas Beeson? A Douglas Beeson, I asked him how he felt about the union, this conversation in my office, and he said that he wasn't for it.

Q All right, sir, I believe that is all that you have [fol. 1439a] covered so far. Continue on down the list and pick out the ones that you talked to. A Before I start this, maybe I can save some time.

Q Well. A We might as well go ahead. Where did I stop?

Q The last one was— A Gibson?

Q I believe it was, sir. A All right.

Q It was either Johnny Gibson or Troy McGhee. A Troy McGhee. Henry Thompson.

Q What was his reply? A His reply was that he had no sympathy for the union.

Q All right, sir. A Another name that pops into my mind now that didn't come to my mind a while ago; George Crabtree; he told me that he was not for the union. I don't think that I gave you that name earlier.

Q No. I don't believe you did. What was his reply? A He said that he had no sympathy for the Union.

Q What about Reagan, what did he say? A Basically the same thing; that is what I started to say a few minutes ago; all of these people said generally the same thing.

Q They all replied in some negative form? A Some [fol. 1439b] form indicating that they had no sympathy for the Union, or that they would not vote for the Union.

Q Some kind of a negative answer? A That's right, concerning the Union.

[fol. 1439(c)] TRIAL EXAMINER: When you say the "composite", do you mean that you read both speeches again?

THE WITNESS: No, sir, I didn't read them the last time. I used them to compare to refresh my memory on the things that I said before. This was shortly before the election. But I said basically the same thing in the last speech that I said in the two previous speeches.

Q (By Mr. Cowherd) Did you record the speech? A No, sir.

Q Did you have any notes, did anybody take dictation? A No, sir.

* * * *

[fol. 1439(i)] Q (By Mr. Cowherd) After you made this investigation as to the percentage of employees for or against the union, what was it again that you did with this information? A I discussed it with our attorney, Mr. Martin.

Q What was the result? A I answered the letter back to the union that I didn't think that the majority of the employees in the plant wanted the union. That is what it was in substance.

Q Mr. Huffman, these people that you read off here from General Counsel's Exhibits 4(a) and (b), did you tell Mr. Martin these names? A No, that was the first time he has heard these names.

* * * *

[fol. 1440] TRIAL EXAMINER: I would like to ask a few questions.

EXAMINATION

Q (By the Trial Examiner) Did I understand that you were Executive Vice-President of both Respondent [fol. 1441] companies? A Yes, sir.

Q You were but no longer? A No, sir.

Q Do you have any connection with either Respondent company now? A No, sir, none whatsoever.

Q Are the Respondent companies subsidiaries of some holding company? A Yes, sir, it is not a holding company; it is an operating corporation in Chicago, the Seng Company.

Q Do you have any interest in that corporation? A No, sir.

Q Now at the time that you talked to these, I didn't keep track of these people, that you said told you that they weren't interested in the union or didn't care to join the union, where did those interviews take place? A Various places, sir; some came to my office; I saw some in the lunch cafeteria; some down in the department where these people worked. I usually make daily inspections of most of the departments; and I usually say "Hello" to these people. I would like to tell you a little bit about that, sir, if it will help you understand this a little better. I knew these people, I think it is unusual. I think I am a little closer or a little closer to them than most Executive Vice-Presidents. I started this company, when I say I started, I purchased the company with some other [fol. 1442] people when it was a very small company with approximately 30 employees; and I worked alongside a lot of these people as we expanded.

I was in a superintendent's capacity, even a foreman's capacity, and I knew a lot of these people on a very friendly basis. I have visited with them in their homes; and they have visited with me in my home; and that is the reason, these people would approach me; they were close to me, they would call me, "Frank"; they never called me "Mr. Huffman"; and I would call them by their first name; and that is the reason that these people would come to me; I think, and tell me how they felt about these things; more so possibly than they would have with other companies.

MR. WILLIAMSON: We, of course, object to this speculation and conclusionary statements on the record.

THE WITNESS: I just wanted to tell you what the background was.

TRIAL EXAMINER: About how many, about what percentage of this total number that you talked to, how many of them did you talk to in your office?

THE WITNESS: I guess, sir; it would be a guess, sir.

TRIAL EXAMINER: Your best estimate. What percentage of the number?

THE WITNESS: I don't know how many I named.

Q (By the Trial Examiner) I didn't keep track,

[fol. 1443] MR. WILLIAMSON: He named 27 of them and then one additional one.

THE WITNESS: Well, I would say in percentage, about ten percent or something like that; many, many more people, employees approached me than the ones I named. If I had a lot of time to study, I could possibly talk to the people gain. I could possibly take—this is the first time that I have tried to do this, sir; when he asked me the question here then. I hadn't even thought about it when I got on the witness stand. And so may, many of the employees came to me and told me how they felt about the union without me going to them and asking them anything about it; and they have called me at home; I can't remember the names of the others; they have called me at home.

[fol. 1445] RECROSS EXAMINATION

Q (By Mr. Cowherd) You didn't help them to prepare this case? A Who?

Q Mr. Martin and Mr. Hamlin? A Why, yes, sir.

Q And it is your testimony that you didn't tell them the names of these employees? A That is correct, sir. I did not.

Q You say that you are pretty good friends with these employees, is that correct? A That's right. I think so.

Q But you didn't want them to join the union, did you? A To be honest, no, sir.

Q You are pretty much against the Union? A Not generally, no, sir. I made a statement in one of the speeches; somebody asked me that same thing; during some of the speeches that I made to the people; and I told them in the speech that the union had helped a lot of people in this country particularly in the cotton mills; that they had raised the standard of living, and the wages as well; but I told them that since I was giving them things that I was giving them that I didn't think that the Union could do them any good.

Q Was that in the letters that you wrote to them? A No, sir. That was from question asked, "Was I against the Union or did I dislike the Union"; and that is the

way I answered the question, during one of my speeches; and I did read the letter.

[fol. 1447]

BOBBY SIMPSON

was called as a witness by and on behalf of the Respondent and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address, please.

THE WITNESS: Bobby Simpson, 241 Koontz Avenue, Thomasvillt, North Carolina.

DIRECT EXAMINATION

Q. (By Mr. Hamlin) Mr. Simpson, where do you work? A General Steel Products.

Q. And what is your job there? A. At present in sales.

[fol. 1450] Q. (By Mr. Hamlin) Mr. Simpson, at any time before the election did you make any statement to Mr. James R. Hutchins or in his presence? A. I did in his presence.

[fol. 1451] Q. That if the Union came in that "a lot of people would not buy our product because the union"— A. No, sir.

Q. Did you make that statement? A. No, sir.

Q. Did you say anything like that? A. No, sir.

Q. At that time, did you make any statement that "if we left and went somewhere else that it would be hard to find a job because of working for a union outfit", or anything to that effect? A. I might a statement to that effect, sir, but not exactly as stated.

Q. Go ahead and state what you said as well as you remember it. A. Well, I had the complete group of the shipping department all together talking with them, and I told them at that time that people in this area did not recognize the union.

TRIAL EXAMINER: That the people in what?

THE WITNESS: In this area did not recognize the union and that some of them, there was a possibility of some of them holding against hiring people that were associated with the union.

[fol. 1515] RICHARD K. DAVIS, SR.

was called as a witness by and on behalf of the Respondent and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us your full name and address.

THE WITNESS: Richard K. Davis, Senior, Route 5, High Point, Box 195 N.

DIRECT EXAMINATION

Q (By Mr. Hamlin) Mr. Davis, are you at present connected with General Steel or Crown Flex? A No, sir.

Q How long since you have worked there or have you ever worked there? A I have. I don't remember the exact date of termination.

Q Mr. Davis, at the time of the election, what position did you hold with the company? A I was a foreman in the spring up department.

[fol. 1518] Q Mr. Heaton has described a conversation which he says occurred two or three weeks before the election when he and Lucas were working at the springing table in which he states that you asked them how they were going to vote; and they claimed to have replied to you, "Yes"; and then it is said you replied to them, "Well, if you do, I will fire you" and laughed and walked off. Now do you remember any such occurrence, or did any such occurrence happen? A Well, it is very possible that I said this. I don't remember it, but these two boys, when I was with them, I said what I wanted to; are the type of fellows I said what I—

MR. WILLIAMSON: Object to the "type of fellow".

[fol. 1519] TRIAL EXAMINER: Yes.

THE WITNESS: I probably said it because I knew them well enough; the statement said "I laughed and walked off"; more than likely I did because I said anything I wanted to to them usually; and we kidded around all the time; and so I probably said it.

[fol. 1550]

TOMMY PARRISH

was called as a witness by and on behalf of the Respondent and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Will you take a chair, and give us your full name and address.

THE WITNESS: Walter Thomas Parrish, 2202 Plainview Drive, High Point, North Carolina.

DIRECT EXAMINATION

Q (By Mr. Hamlin) Mr. Parrish, what is your job?
A Foreman.

Q Where? A General Steel.

[fol. 1557] Q Mr. Parrish, on the morning of the election, did you state to William F. Poore, Jr., "Well, boys, we are going to rub this thing out here today, you boys don't need a union, it will do you more harm than good." Did you say that or anything similar to that on the morning of election day? A Not on the morning of election day.

Q Had you said anything like that? A I had said, I had told William that I thought that we would be better off with the union; better off without the union than we would be with the union; but it was not on the day of the election, but I had been told that there was a 24-hour period that we were not supposed to talk about the union; and so I didn't talk out the union during that 24 hours. It could havt been maybe the day before that, or so.

[fol. 1597] ERNEST LEE CURRY

was called as a witness by and on behalf of the Respondent and after having been first duly sworn was examined and testified as follows:

TRIAL EXAMINER: Give us your name and address:

THE WITNESS: Ernest Lee Curry, 311 Moore Street, Thomasville.

DIRECT EXAMINATION

Q (By Mr. Hamlin) Mr. Curry, who do you work for? A I work for Bob Maxwell.

Q What company? A Crown Flex.

[fol. 1601] Q Mr. Curry, Mr. Howard Slate has testified in this proceeding that sometime in July you came to his machine and asked him if a man had been by to see him, a union representative.

MR. COWHERD: I believe you could do better from the record.

MR. HAMLIN: I am reading to him verbatim; I would be glad to dig it out.

TRIAL EXAMINER: Go ahead.

Q (By Mr. Hamlin) Continuing Mr. Slate's testimony, "I asked if he was talking about a man from the union and told him no, the man had not been by to see me, he did not say anything more about the union, not to me."

Was there any conversation with Mr. Slate, or anything like that that you recall? A Yes, sir, I remember asking him that. I talked with Slate a lot.

[fol. 1602] Q Did you ever in the month of July ask Mr. Moss how he felt about it?

TRIAL EXAMINER: Felt about what?

MR. HAMLIN: I am asking if in the month he asked Mr. Moss if he had heard anything about the union.

A I may have, sir, but I don't remember whether I did or not. Like I say, I went around to all of them.

[fol. 1614]

ROBERT HAROLD LEWIS, SENIOR

was called as a witness by and on behalf of the Respondent, and after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Give us you full name and address, please.

THE WITNESS: Robert Harold Lewis, Senior, 1202 Forest Avenue, High Point.

DIRECT EXAMINATION

Q (By Mr. Hamlin) Mr. Lewis, what is your position with the Crown Flex? A I am Assistant Foreman under Mr. Curry in Crown Flex.

[fol. 1618] Q Mr. Lewis, Mr. William G. Moss has testified that in the latter part of July you said that you heard the union was back out there again and that if anyone was going to try to get me to join or anything like that not to have anything to do with it. Did you have such a conversation with Mr. Moss any time in July? A I had a conversation like that but I don't remember it being with Mr. Moss in particular.

Q Mr. Moss' brother testified that you said that if Mr. Hoffman found out that anybody would have anything to do with it he would be fired. Did you ever say anything like that to Mr. Moss or to anyone else? A Mr. Moss come to me and says, "If we were to join the union, do you think that Frank Huffman would fire us?"

I said, "I am ~~sure~~ he wouldn't." I said, "Mr. Huffman has the right to fire you or me or anybody else with good reason because of the union or not." And that is all the conversation we had about that. That is all the conversation that I had with him that I remember.

[fol. 1716]

JAMES E. RIGGSBEE

was called as witness by and on behalf of the Respondent and, after having been first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: All right, sir, now give us your full name and address, please.

THE WITNESS: James E. Riggsbee, Route 2, Sophia.

DIRECT EXAMINATION

Q (By Mr. Hamlin) Mr. Riggsbee, who do you work for? A General Steel Products, Inc.

Q How long have you been with them? A Well, I don't know exactly, eight or nine years.

Q What is your job with your company at the present time? A I was scheduling production, I am doing that.

Q What job did you have last summer during the union campaign? A I was foreman of the bed assembly.

[fol. 1757] Mr. Peterson says, "Jim Riggsbee came out of the office and came out on the line and was talking to [fol. 1758] one of the girls, Nellie, and he called four or five of us fellows over and told us that he had just come from the office; and Frank said that the union was coming in; and that if it did come in that a nigger would be the head of it; he was putting in ten new machines on that line, and if the union did come in, the niggers would be the operators of it."

Now do you remember any such conversation, and if so, will you recite what actually occurred? A I remember the conversation. I remember it well.

Q What happened? A I was going by, there were three or four of them standing in a bunch although the single line was stopped; they weren't runnin anything.

Q Where had you come from? A I had come out of the tool room.

Q The tool room? A Working on some parts for a machine.

Q All right. Had you come from Mr. Huffman's office? A No, sir.

Q Go ahead and state what occurred. A Well, Nellie talked to me first; she said that; Nellie said "they"—

Q Now who was Nellie talking to? A She was talking to me. There was Zeb Laws, Sam Snow, and Peterson, Stanley; and she says, "They are going to hire a nigger to take Peterson's place, ain't that right?" [fol. 1759] I said, "Yes, they are going to get ten new machines and ten new niggers to run them." It was all a joke.

[fol. 1773] TRIAL EXAMINER: Were there any Negroes employed in the plant at that time?

THE WITNESS: I don't know. There might have been one in the shipping department, I don't know.

[fol. 1830] NAPOLEAN BROWN

[fol. 1833] MR. WILLIAMSON: Mr. Brown, I want you to look through 130 authorization cards I am handing you, sir, go through there and count for us, if you would sir, how many of those cards that you believe you signed.

THE WITNESS: You mean dated?

TRIAL EXAMINER: Yes, that you dated.

I think the record should show that it took the witness about nine minutes to examine the cards and count them.

MR. WILLIAMSON: We have nothing further.

CROSS EXAMINATION

Q (By Mr. Hamlin) Mr. Brown, would you read into the record the exhibit number of the cards which you [fol. 1834] dated. A Yes, sir.

6(g).

TRIAL EXAMINER: All right, go on.

THE WITNESS: 6(l); 6(j); 6(c); well, maybe that is—

MR. HAMLIN: I think it would be better whoever read, wrote the numbers to read off the numbers.

TRIAL EXAMINER: Starting over.

MR. WILLIAMSON: Yes.

TRIAL EXAMINER: All right.

MR. WILLIAMSON: GC 6(l); 6(j); 6(h); 6(g);
6(k); 6(o); 6(q); 6(s); 6(a)(5); 6(a)(7); 6(a)(11);
6(a)(12); 6(a)(19); 6(a)(20); 6(a)(25); 6(a)(33);
6(a)(37);

TRIAL EXAMINER: Well, you don't have to repeat
6(a) for every one of them.

MR. WILLIAMSON: Everything should be 6(a).

TRIAL EXAMINER: Everything is 6(a), isn't it?

MR. WILLIAMSON: Yes.

TRIAL EXAMINER: All right.

MR. WILLIAMSON: 40; 41; 46; 47; 51; 54; 55; 57;
58; 61; 62; 63; 68; 69; 70; 71; 72; 73; 74; 80; 85; 87;
91; 92; 93; 94; 96; 97; 98; 99; 100; and 106.

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10,543

GENERAL STEEL PRODUCTS, INC., and
CROWN FLEX OF NORTH CAROLINA, INC., PETITIONERS
versus
• NATIONAL LABOR RELATIONS BOARD, RESPONDENT

ON PETITION TO REVIEW THE DECISION AND ORDER
OF THE NATIONAL LABOR RELATIONS BOARD

(Argued January 11, 1968. Decided June 28, 1968.)

Before HAYNSWORTH, Chief Judge, and BOREMAN and
WINTER, Circuit Judges.

PER CURIAM:

Petitioners, General Steel Products and Crown Flex of North Carolina, found by the Board to constitute a single employer within the meaning of the National Labor Relations Act,¹ seek review of an order of the National Labor Relations Board.² The order is predicated upon the Board's findings that the employer illegally coerced its employees in the exercise of their rights under the Act and had no good faith doubt as to the majority status of the union when it refused to recognize it as the authorized bargaining representative of a unit of its employees. We deny enforcement of those portions of the order dependent upon the latter finding.

The Upholsterers' International Union of North America, AFL-CIO attempted to organize the Company's employees. By letter, the union advised the company that it held signed authorization cards from a majority of the

¹ 29 U.S.C.A. § 151 *et seq.*

² 157 NLRB No. 59.

company's employees and requested recognition and a bargaining meeting. The Board found that at that time the union held valid cards from 120 of 207 employees in the unit in question. The company refused to recognize the union, stating its disbelief in the union's claimed majority status. In the meantime, the union filed a petition with the Board for a representation election. The election was held and the union was defeated.

The Board found that during the union's campaign the company engaged in coercive activity in violation of § 8(a)(1) of the Act. Substantial evidence exists on the whole record to support this finding, and we enforce those portions of the order directing the company to cease and desist from coercing its employees and to post appropriate notices. Accepting the Board's findings, however, the violations of § 8(a)(1) as found by the Board were not so extensive or pervasive as to prevent the conduct of a valid secret election.¹

The Board further found that the company's refusal to bargain with the union upon request was not motivated by a good faith doubt as to majority status and constituted a violation of §§ 8(a)(5) and (1) of the Act. In several recent cases we have set forth in sufficient detail the reasons such a finding cannot stand in a typical case of this sort.² Accordingly, we deny enforcement of those portions of the order directing the company to cease and desist from refusing to bargain with the union and to bargain with the union upon request.

Enforcement granted in part and denied in part.

¹ Whether or not the election actually held was properly held invalid, we do not decide, but the § 8(a)(1) violations found to have occurred were not so pervasive that available remedies were not reasonably calculated to assure a free exercise of the employees' choice by secret ballot rather than by resort to a count of questionable cards.

² Crawford Mfg. Co. v. NLRB, 4 Cir., 386 F.2d 367, cert. denied 386 L.W. 3040, ____ U.S. ____; NLRB v. S.S. Logan Packing Co., 4 Cir., 386 F.2d 582; NLRB v. Sehon Stevenson Co., Inc., 4 Cir., 386 F.2d 551; NLRB v. Heck's Inc., 4 Cir., ____ F.2d ____ (Decided this day); NLRB v. Gissel Packing Co., Inc., 4 Cir., ____ F.2d ____ (Decided this day).

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10,543

GENERAL STEEL PRODUCTS, INC., and {
CROWN FLEX OF NORTH CAROLINA, INC., PETITIONERS

vs.

NATIONAL LABOR RELATIONS BOARD, RESPONDENT

THIS CAUSE came on to be heard upon the petition of General Steel Products, Inc., and Crown Flex of North Carolina, Inc., to review and set aside or modify a certain order issued against it by the National Labor Relations Board on the 11th day of March, 1966, in proceedings before the said Board entitled "General Steel Products, Inc., and Crown Flex of North Carolina, Inc., and Upholsterers' International Union of North America, AFL-CIO", numbered 11-CA-2491, 11-CA-2613, and 11-RC-2022; upon the answer of the National Labor Relations Board and cross-petition for enforcement of said order, and upon the certified list in lieu of a transcript of the record; and the said cause was argued by counsel

ON CONSIDERATION WHEREOF, it is ordered, adjudged and decreed by the United States Court of Appeals for the Fourth Circuit, that the order of the National Labor Relations Board be, and it is hereby, enforced with respect to the violations of § 8(a)(1) of the National Labor Relations Act; that enforcement is denied as to those portions of the order directing the company to cease and desist from refusing to bargain with the union and to bargain with the union upon request, and that the said General Steel Products, Inc., and Crown Flex of North Carolina, Inc., abide by and perform the directions of the

Board in said order as so enforced contained, in accordance with the opinion of the Court filed herein.

/s/ Clement F. Haynsworth, Jr.
Chief Judge, Fourth Circuit

Filed, Jun. 28, 1968, Samuel W. Phillips, Clerk

A True Copy Teste:
Samuel W. Phillips, Clerk

By /s/ Margaret L. Davis
Deputy Clerk

